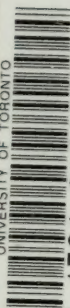


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SIR ROGER L'ESTRANGE



SIR ROGER L'ESTRANGE.
(From the Portrait by Kneller.)

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SIR ROGER L'ESTRANGE

A CONTRIBUTION TO THE
HISTORY OF THE PRESS IN
THE SEVENTEENTH CENTURY

BY

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With 11 full-page Plates

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INTRODUCTION

L'ESTRANGE has of late years emerged somewhat into public notice—that is of the small public which can approach the seventeenth century by more direct means than those provided by the popular novelist. After Sir Sidney Lee's great article in the *Dictionary of National Biography* a separate life was inevitable sooner or later. Then Mr. J. B. Williams' work on the history of the Press, pointed more precisely to the distressed cavalier as the central figure in the journalistic piece. And quite recently we have had the *Times* Printing Supplement of 10th September 1912 largely devoting its story of Restoration journalism to a tale of L'Estrange and his works. On the other side—that which concerns the art of prose—the late Professor Earle pointed out the extremely important place L'Estrange truly occupies in the history of English literature. So that the merest shadow of a type—a vicious type according to all tradition—has at length entered the penumbra at least of learned, if not popular, curiosity. No one need expect, however, that his cumbrous folios and pamphlets, full as they are of a certain salt decidedly non-Attic, will ever be pored over even by the scholarly class. As a writer he is a Goth of the Goths, almost uncultured in the classic sense, and for this, as a corrective to the learned fluency of the age which preceded him, he is to be chiefly valued. The native element must have been intensely strong in the man who dressed Seneca and Cicero in homespun. Even his titles have an extraordinary force. *No Blinde Guides* for Milton, *The Relaps'd Apostate* and *Holy Cheat* for the Presbyterians, have a

terseness which we are too apt to think of as a late acquisition of journalism.

But few even of those who are capable of relishing the distinction between fine classical work and the rude incult native will have the patience to read his political works. Gnarled, bitter, black, and wasted, are these products of seventeenth-century strife. Their great quality is one which is generally lacking in present-day writing, they are virile. Their abuse—the staple of the kind—is virile. There is no verbal *finesse*, none of the tricks of the sophist. They are almost lacking in rhetoric in the popular sense. But for late events in “the north-east corner of Ireland,” we might have said that the causes they championed are forgotten. The minor characters at least are lost to all save the special student.

But his story may still attract the historically-minded. He had the gift or misfortune which some men have of entangling themselves with every interest of the day—music, the Royal Society, cavalier song and wit at the one end of the social scale, at the other, war, intrigue, imprisonment, office and the thousand bitternesses of public life. A mere instrument he was not. He went further and more rapidly than his masters. In a sense he became the mind of his party. A picturesque figure is all the relations of life!

It has not, however, been the plan of this book to present him in a picturesque light, which is generally a fallacious one. The sobriety of modern history is unfriendly to romantic colour. The deadly footnote stifles the imagination. L'Estrange in some way foretold his fate as the victim of modern research. He somewhere imagines the scribe, one hundred and fifty years hence, busy with his and his enemies' pamphlets in Bodley's library. In a fit of pessimism he assumed that their lies would carry more weight with the historian than his own. As so often happens, and in proportion as the causes excite men's minds, the truth is found to be no longer discoverable. The historian can generally

only present their contradictory stories and leave the matter to conjecture. But out of the medley of lies and mixed motives, there arises something on which we can give a modern judgment.

That judgment, it must be confessed, is on the whole the traditional one. It may indeed be doubted if history affords more than half a dozen examples of a genuine reversal of the popular verdict, when that verdict has been long enough left unquestioned. In L'Estrange's case the judgment of posterity was singularly clear, and—what is rare in political cases—singularly unanimous. When a jury consisting of Swift, Hume, and Johnson on the one side, and Fox, Hallam, and Macaulay on the other is agreed on its verdict, little doubt would seem to remain of the defendant's guilt. It has been left for the present age to question the verdict. But love of paradox and the revival of the extreme Tory point of view in historical literature are no doubt more responsible for this trend of judgment in L'Estrange's favour than a new and broader discussion of the facts and documents. So far as this Life presents new documentary evidence, or attempts a new reading of the hitherto known facts, it will be found that his fame rather suffers, if that were possible, than recovers. That is, of course, entirely in the region of political life. In private life he was ever regarded as a staunch friend, a man of fashion, and a lover of the social pleasures and amenities. But in the half-dozen crises of his fate he displayed a curious mingling of daring and timidity. He had the misfortune too often to appear at the critical moment, after much vaunting, a solitary skulker, or the foremost in flight. So was it at King's Lynn, so after Kent, and so after his examination before the Council in 1680. Perhaps this precipitancy in flight only amounts to an intelligent anticipation of the *sauf-qui-peut*. If it can be shown that he brought things to a head and gave his party a reasonable chance of success before deserting the field, his courage may still, despite Whiggish jeers, be affirmed. On the whole the fuller story

given here will tend to establish this. And if we remark that his courage and vigour were always more noticeable when his party was in the ascendant, as in the final prosecution of Titus Oates, and the earlier Restoration persecution of obscure printers, it is no more than saying that he was human.

It is not his loyalty or his courage that will be questioned here. It is his humanity. Even granting the whole Tory position in the Stuart reigns—a position which later Tories would scarcely grant—his vindictive and unappeasable thirst for a petty vengeance is the most observable feature of his character. He could be, and habitually was, meanly cruel. After the Rye House Conspiracy, he participated in a party triumph as complete as any our history can show. The fate of the Whig scribes and plotters was pitiable enough. It aroused in L'Estrange, however, no generous emotion. His pursuit of the lesser instruments, of Care, Hunt, Milton's nephew John Phillips, Fergusson 'the Plotter', Hickingrill, and the factious Stationers, had more of personal malice in it than of public service. His intrigue with young Tonge, a creature whose misery in prison ought to have moved him, is perhaps the worst blot on his name. Having no intention of relieving Tonge's condition, he set himself with hints of the King's mercy, to extort for party and personal purposes an exposure, true or false, of the Whig leaders from that wretched youth.

But there is no need to multiply instances in the case of one who wrote *No Blinde Guides* against Milton, who harried Richard Baxter, pursued Bagshawe, Jenkins, Crofton, and Delaune with abuse and hardship even within the walls of their prison, and conducted those pitiful harryings of the poor printers which went far beyond even the limits observed by Stuart tyranny. Baxter, Bagshawe, Jenkins, Crofton, and Delaune may have been—Bagshawe and Crofton certainly were—contumacious firebrands, but not even by the standards of that age can we excuse the rigours of his malice.

As to his honesty and sincerity there is not much doubt.

It was generally charged against him in the days of his licensing that he allowed non-conformist books or 'libels' to appear in the official catalogue *Mercurius Librarius* for the money's sake. So far the charge is true, that works of a modified dissent appear in that catalogue in the years following the ruin of the Cabal ministry. And on the whole, there is no doubt of his extortionate behaviour in office. But mere venality on the part of a poor gentleman would not then weigh very heavily against him.

Altogether the picture of him given in the *Times* Printing Supplement, as a high-minded English gentleman, incapable of fraud or disloyalty is somewhat fanciful. A name associated with that of Chas. Hanse and the notorious Burton and Graham could scarcely be free from their quality. Somewhere between Macaulay's black portrait and that given in the *Times* supplement lies the true L'Estrange. It may be hoped that the reader will be able from the material given in those pages to determine where.

The present writer undertook the life of L'Estrange at the suggestion of Professor Firth and Sir Walter Raleigh at Oxford. To the former his debt is very great. Whatever merits the work may have are as much owing to his close supervision and unrivalled knowledge of the period as to the industry of the author, while the constant and sympathetic interest of Professor Raleigh and of Professor Saintsbury of Edinburgh, the author's first guide in the literary path, and his present chief, has done much to inspire in a somewhat laborious task. The kind and ever helpful suggestions of Mr D. Nicol Smith, Goldsmiths' Reader in English literature at Oxford, has also to be most gratefully acknowledged.

Lastly for aid of a more material kind he must express his indebtedness to the Carnegie Trust for the Universities of Scotland, one of whose Research Scholarships he held during the years 1909 and 1910.

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SIR ROGER L'ESTRANGE

CHAPTER I

INTRODUCTORY

EARLY CAVALIER DAYS

SIR ROGER L'ESTRANGE, whose career it is proposed to trace in these pages, has left scarcely any private history. His life almost more than that of any man of the second rank in this age was monopolised by public affairs. Far from discomfiting the historian, this circumstance is actually of some value. For Roger L'Estrange was neither a sufficiently large person in public life, nor in private interesting enough in himself to warrant the troubling of posterity with anything approaching an intimate biography. His sole importance, and the sole pretext for the present undertaking, is the fact that, in a century when men lived stubbornly and clung to affairs to the last, he took a part in almost every movement of his time from the age of twenty-three to well-nigh eighty. He is, moreover, identified at every stage with an interest which is the occasion of this biography—the Press in the seventeenth century. By following his career we may learn more of this difficult subject than from a separate history of the Stationers' Company.

As a cavalier he has a certain historic interest. As the man entrusted with the tracking down of Titus Oates and 'their Evidenceships', he touches on the subject which Lord Acton specially recommended to modern English historians. As the most famous translator of his day, and one who still finds his editors, he provides for the student of literature a large field of enquiry.

Roger L'Estrange was the third son of Sir Hamon L'Estrange of Hunstanton Hall, Norfolk. He was born on the 25th June 1616, educated privately at home so far as we know, and at the usual age proceeded to Cambridge, where he entered Sidney Sussex College¹. The learning which he loved to display in his later years affords traces of a less regular schooling, and in some respects more liberal, than was perhaps to be obtained at the ordinary grammar schools of the day². As many men have nourished greatness on Plutarch, so young L'Estrange drew wisdom from Bacon and Æsop.

Music seems to have entered largely into his early studies³, and was destined to become a life passion—an agreeable circumstance in a life singularly given to faction and violence.

We have no trace of his career at Cambridge⁴, and of his home life we know scarcely more. His mother, a daughter and co-heir of Richard Stubbes, Esq., was a woman of courage and wit. Her whimsical pen has provided the historian of that part of the Civil War which relates to East Anglia, with some piquant if pathetic notes on the exactions of Parliamentary Commissioners⁵. Her eldest son Nicholas was also indebted to her for several of the more innocent tales which appear in his collection of anecdotes in the Harleian MSS.⁶.

The family boasted a respectable antiquity, for though the popular derivation of the name—Extraneus—as applied

¹ Opened in the year in which the Protector was born. Besides Cromwell and L'Estrange, other distinguished graduates of this College were Thomas Fuller, Bishop Wilson, of Sodor and Man, etc. See *Several Weighty Quaeries concerning Horacitus and the Observer in Dialogue*—Quaerie 9—'whether Sed. Coll. Camb. by sending the *Observer* into the world have yet fully atoned for O. Cromwell, who had his education there'. Dr Seth Ward, born the year after L'Estrange, 1617, was also of this College. Wood (*Clarke, Life and Times*, iii., 26) notices that he had been a student at Cambridge.

² 'He is a great scholar, being taught by his father'. *L'Estrange a Papist*, February 1682.

³ 'At Hunstanton Jenkins must have been the teacher of Roger le Strange, son of Sir Hamon'. *Autobiog. of Hon. Roger North*, ed. Jessopp (1890), p. 78, editor's note. As a musician Jenkins is described by North as 'that eminent master of his time'. *Ibid.*

⁴ Beyond an absurd story—*Observer*, i., 13—of 'a young fellow of Cambridge that refused to receive the Sacrament because (as he told his master) he was reconciled to the Church of Rome'.

⁵ Mr Alfred Kingston, *East Anglia and the Civil War* (1897), pp. 293-5.

⁶ Several 'from my brother Roger' are also to be found there, but of these only two or three are to be found in the Camden selection, *q.v.*, *Anecdotes and Traditions*, ed. W. J. Thomas (1839).

to the Conquest is erroneous, and the original family flourished several centuries under that name as Lords of Limosin, there is scarcely a family in England which can trace its origin more clearly to that event. Dugdale was inclined to place them under the banner of the Dukes of Bretagne at the incoming of the Normans, and hinted that Guy, the first English L'Estrange, was a son of the French Duke, but whilst amusing himself with the vision of what they might have attained and enjoyed had that been the case¹, Blomefield's researches persuaded him that it was as vassals of Alan Flaald, ancestor of the Arundels, that the English L'Estranges both in Shropshire and Norfolk entered England, 'and from him they owed all they enjoyed'.

'From what has been above-mentioned of the family', says the historian of Norfolk, 'it appears to be of great antiquity and to have been possessed of the Lordship from the beginning of the reign of Henry I. (if not before) about 600 years, and that Guy the founder of it in England was not a son of the Duke of Britain in France, but came into England with Alan, son of Flaald, ancestor of the Earls of Arundel'.

Taking Blomefield's date for the settling of the Norfolk sept as fairly correct, the old manor house at Hunstanton saw the passage of sixteen generations of L'Estranges between the John L'Estrange who in 1173 rebelled with Henry the Younger against Henry II. and the Sir Hamon, father of Roger, whose loyalty to Charles I. practically beggared him and called forth Dame Alice's utmost economy and occasional humorous murmurs.

At several other periods in these five centuries the family distinguished itself in the service of the crown, and if we find them rebels at the start, we find the grandson of the rebel — a Hamon too — 'a person of great dignity and eminency' in the forty-first and forty-ninth years of Henry III. He was a stout adherent of the royal cause against de Montfort, and his loyalty was rewarded with

¹ Blomefield, *History of Norfolk* (1805), pp. 310-12: 'If this family had been so nearly or any way related to the Dukes or Earls of Britain, what might they not have enjoyed and been enfeofed of by Alan Rufus or Fergeant, Earl of Britain, in France?' 'For my quality', says Roger (*Memento*, 1662), 'I must inform Mr Bagshawe that L'ESTRANGE has been in the same seat in Norfolk almost thrice as long as Presbytery has been in the world'.

the gift of numerous houses in London — all of which disappear before the seventeenth century.

In the earlier part of Elizabeth's reign, when so many Englishmen sought honour in the European wars, a Roger L'Estrange won the friendship and esteem of the Emperor Maximilian II., and the family preserved with natural pride the patent which recommended him to the favour of Elizabeth, and conferred a pension of 300 crowns on *Rogesium Strangium virum genere et nobilitate clarum quem vehementer amamus charumque habemus*.

When the Irish troubles broke out in the same reign Nicholas L'Estrange was knighted in 1586 for signal service, though we do not read of any grants of land, the usual reward of Irish service.

Thus, despite a bad start, the L'Estranges appear on the whole, and increasingly in later times, a family much attached to the established powers, intermarrying with the numerous gentry of East Anglia, Cheshire, and their own kinsmen of Shropshire, families of similar principles, eminent for arms, or scholarship, or merely for antiquity, and continuing that strain of loyalty and local service which, despite detraction and suspicion, undoubtedly signalised their conduct throughout England's greatest crisis—the Civil Wars.

Hunstanton, the home of this family, has a situation at a point where the Wash merges in the North Sea, which aroused the phlegmatic Blomefield to a touch of enthusiasm. Remarkable for its lofty cliff, 100 feet high (where still stand the ruins of the ancient chapel of St Edmund) 'against which the raging sea comes with such force and fury that it is supposed to have gained by length of time a considerable tract of land, about two miles, the headland looks straight out into the German Ocean'. The house itself is pleasantly situated. The work of various builders, it 'consists of an oblong square; before the front runs a pretty stream or rivulet, walled on each side to preserve it clean and regular, serving not only as an ornament, but as a moat or guard to the house. Over this is a bridge leading to the gatehouse, which, with the wings and buildings on each side, were erected by Sir Roger L'Estrange in the reign of Henry VII.'¹

The L'Estranges had reason to be grateful to the Stuarts. One of the earliest baronetcies bestowed by James I. went to a L'Estrange of Hunstanton, while again in 1629 Charles I.

¹ *Memento*, 1662.

similarly honoured Nicholas, elder brother of our author. The father of Nicholas and Roger was for many years High Sheriff of Norfolk, a capacity in which we have glimpses of his activity in the collection of fines for Composition of Knight service.

It was as High Sheriff of his county that Sir Hamon attended the Norfolk levy against the Scots in 1639. Roger was then twenty-three, had probably just finished at Cambridge, and now accompanied his father in that humiliating expedition which goes by the name of the Bishops War¹. We know nothing of the movements of father or son, but the extraordinary bitterness which tinges the remarks of the latter on the subject of the Scots and this little war, may be accounted for by what he saw on this occasion.

Mr Kingston, in the work already referred to, talking of the younger L'Estrange's appearance at King's Lynn three years later, hints at 'an already romantic career'². Beyond the rumours of enemies³ we can find nothing of this, except the solitary expedition to Scotland, which, far from being romantic, was probably as sorry an outing as ever cavalier experienced.

The fortunes of the house of L'Estrange in the Civil Wars is bound up with those of the royal borough of King's Lynn.

This town lies some fourteen miles from Hunstanton. A glance at its position on the Wash will explain the importance attached to it by the Parliamentary leaders. Carlyle's description of it as 'a gangrene in the heart of the Association'⁴, is not too strong language to describe the series of troubles which were fomented within its walls. Open to the sea and—owing to the state of the Fens—difficult of access from the land, it looked across to Boston and Skegness, and invited the aid of the cavaliers of Lincolshire and the

¹ *Humble Apology to Clarendon*, 3rd December 1661, p. 4.

² *East Anglia*, p. 184.

³ See *The Loyal Observer*, 1683 (*Har. Misc.*, vol. vi.)—E. 1962-5.

⁴ *Nobbs*.—You see how he vapours of his forty years' service to the Crown, what commands he had, how many thousand pounds he expended, what scars of honour he received. You must note the gentleman was a younger brother (the scandal of a worthy family who have long been ashamed of him), and so far from being able to contribute to the royal cause, that during his youth Phil. Porter's plough was his best maintenance.

⁵ *Ralph*.—This is nothing to his personal gallantry: perhaps he rescued the standard at Edgehill, stormed towns as mountebanks, drew teeth with a touch, wounded whole armies of rebels like Almanzor.

⁶ *Nobbs*.—No, no. Valour is none of his talents. He marches indeed equipped with a sword, but it is only for ornament.

⁷ *Letters and Speeches of Cromwell* (1850), i., 227.

attention of Newcastle from the north. The New Town, divided by the Ouse from the more exposed Old Lynn, was capable of a strong defence. The families in the neighbourhood, bound together by social ties, were predominantly loyal. In its vacillating fortunes it resembled Crowland in Lincoln—a Puritan town surrounded by a cavalier gentry. While its ordinary magistrates were enflamed with zeal for Parliament, they were overawed by the zealous royalism of the neighbouring landed families, among whom there were not a few staunch Catholics.

At the beginning of the war Lynn was held for Parliament. To provide for its defence brass cannons were brought from London, its walls were strengthened, and the services of Christian, an engineer of some skill, requisitioned to direct the work.

At the same time, following the example of Col. Cromwell not far distant, Capt. Slaney exercised the Parliamentary volunteers in the market-place, much to the disgust of the gentry alluded to. In this he was aided by the two stout Puritan members for the borough, Messrs Toll and Percival, who, by the general example of the Commons, came down to assist the magistrates in holding the stronghold for Parliament. The two godly ministers of the place, Arrowsmith and Thoroughgood—whose quality is vouched for by the fact that they both found a place in the Westminster Assembly of Divines—lent their by no means despicable aid in inciting the townsfolk to do their duty. Mayor Gurlin was a strong anti-Parliamentarian, in which persuasion he was opposed by his fellow-counsellors, among whom May and Hudson were most prominent.

It is not to be supposed that the neighbouring loyalists looked on these preparations with indifference, or that they were powerless to raise up a party for the King, even within the walls of Lynn and in the Council. Dame Alice's book shows a perfect correspondence between Lynn and Hunstanton, and the frequent expenses of the disguises adopted by the knight in entering the town are carefully noted, besides more ominous storing of barrels of gunpowder¹. Sir Hamon and his three sons, Sir Chas.

¹ This is for July 1643, a month before the *coup*. What with messenger and spy service, munitions, and disguises for 'Mr L'Estrange to avoid the troopers', a considerable amount must have been expended before Lynn was seized. Kingston, p. 274.

Mordaunt, Lord Allington, Sir Robt. Grey de Wark, and the Catholic family of the Pastons, formed a powerful party without and within, and only awaited the turn in affairs which should make a successful attack possible and profitable.

This turn came with the spring of 1643 when the magnificent forays of Viscount Camden on the eastern border of the Association terrorised the whole country south of the Wash and even London. The movement spread into Lincoln which was held on much the same uneasy tenure as the northern parts of Norfolk. Crowland—described by Vicars as ‘a scurvy Dunkirk to the Parliament both by land and water too’—was taken, and with it such an extension of the King’s party in South Lincoln became possible as made it imperative for Cromwell despite the local and shortsighted obstinacy of the other elements of the Association, to advance to the relief of the stronghold, and thus drain Norfolk and Cambridge of Parliamentary forces.

This gave the Lynn faction the opportunity which they were not slow to seize. Lynn was taken or betrayed by a party within her walls, her magistrates and clergy—at least the more refractory—imprisoned by order of Sir Hamon who now assumed the command for the King¹. This happened in August and was followed almost immediately by the news of Cromwell’s success at Crowland and the brilliant rout of the Cavaliers in the affair at Gainsborough which historians take to be one of the most critical in the war. Three weeks passed before Parliament could undertake the recapture of Lynn, and the interval was used by Sir Hamon to store the town with ammunition, largely paid out of his own purse—a serious drain on an already embarrassed treasury².

The ships in the harbour, mounted with culverins, were regarded as an important item of defence despite the news that Warwick with the Parliamentary fleet was on his way to the scene of war. But the Old Town beyond the Ouse was scarcely held seriously. The Town Hall and Market Square became the centre of the royalist defence. Certain alms-houses—afterwards the cause of much vexatious action against the old knight—were pulled down to assist the defence. Besides the ship cannon, Sir Hamon boasted,

¹ *Barrington MSS. (Egerton, 2647, f. 158).*

² *See the accounts already referred to: Kingston, p. 294.*

according to one account¹, 40 pieces of ordnance, 1,200 muskets, and 500 barrels of gunpowder.

That Lynn was regarded as of first importance by both sides is shown by the dispositions made for its recovery, and by the attention it attracted in these months of August and September. As the weeks passed, the Oxford loyal journal, *Mercurius Aulicus*, anxiously praised the defence. Vicars² raised a song of delight when the 'brave town' at length capitulated after a six weeks' siege, while on the failure of Roger's attempt in December following, Rushworth, Vicars, and Whitlocke consumed several pages in an exhaustive account of that adventure. Its recovery indeed had for Parliament as much importance as a critical bye-election to a Government, for in the West in these months several towns had been lost, and 'being a most impregnable place', writes Vicars, 'by natural situation and a maritime or sea-town which having in it a most brave shipharbour . . . it was at that time a mighty and only interruption of the noble Earl of Manchester's opposing of Newcastle's Popish army in those northern parts'³.

The hope of the besieged and the dread of the besiegers was that relief might come from Newcastle by sea. Capt. Poe, who was skirmishing around with some Essex troops before Manchester came up, wrote to Parliament, that 'if relief from the sea can be prevented they can't hold out more than 5 days although they have 40 pieces of ordnance and can get more from their ships'⁴.

In the third week of August, Manchester with 3,000 horse and 1,500 foot—many of them however of the bad Essex levies—Cromwell and Hobart sat down before the place, while Warwick completed the blockade from the sea. Cromwell's share in the action was confined to the earlier stages, and after taking part in the storming of the Old Town⁵, the rest being merely a matter of

¹ Capt. Poe—*Barrington MS.* quoted by Mr Kingston (*Egerton*, 2647, f. 133), 19th August 1643—'marvels very much considering of how great consequence that Town is, and the people that are in it being the chief malignants and recusants in all these parts', that there are 'no forces more raised by the Association'.

² *Burning Bush Not Consumed*.

³ *God in the Mount*, p. 413. *Mercurius Aulicus* has similar confident references to its strength. See p. 476, Tuesday, 29th August.

⁴ *Barrington MS.*, quoted above.

⁵ *Mercurius Aulicus* 3rd September, p. 488—Manchester sustains many losses; 15th September, p. 514—Old Lynn is taken.

waiting, he hurried off to a more anxious scene—that of his recent victories in Lincolnshire, where once more the King's party had taken advantage of the Lynn distraction and the drain on the Parliament in the west, to seize Crowland and South Lincoln, now once more wholly in their hands, much to the satisfaction of *Mercurius Aulicus*.

'Shortly after, also nearly about the 14th September 1643', says Vicars¹, 'came certain intelligence to London that the brave and strong town of Lynn-Regis, in the county of Norfolk, which had been besieged for about the space of a month by the noble and as virtuous as valiant E. of Manchester, and having been surrounded both by sea and by land, and much infested by our ordnance from old Lynn and utterly hopeless of relief by that impious Popish Earl of Newcastle, and then at last brought into much danger and distress every way and fearing now at last a terrible storming of the Town (which, indeed, was firmly resolved on), . . . they therefore resolved to surrender upon fair quarter and satisfaction'.

Vicar's 50 piece of ordnance and 20 barrels of gun-powder taken, is rather at issue with Capt. Poe's 500 barrels, etc., unless we take it that an extraordinary amount had been used—which seems unlikely, for there was no storm. The excess may have been destroyed, all or most coming out of the pocket of the Squire of Hunstanton.

The terms of surrender, which Vicars hints at, and the means by which they were vexatiously evaded are interesting and typical of what happened in a hundred like cases on both sides. They also explain the impoverishment of a noble house and illustrate the local feuds which more than pitched battles are the special scourge of civil war. Manchester had permitted Sir Hamon and his forces to march out, as Vicars says, on fair terms, and to disperse themselves where they saw fit. Young Roger reported himself with many others at Newark², and ultimately drifted to Oxford on the delusive scheme we are presently to describe. The old knight retired to Hunstanton and in Mr Kingston's words 'tried hard not to offend Parliament'. We shall find

¹ *God in the Mount*, p. 412. See Charles Parkin's *History of Lynn* (1762), for a map of Lynn and a list of mayors.

² *Observer*, June 1684, vol. ii. No. 80, and *Humble Apology to Clarendon*, p. 4.

that he did offend Parliament so late as 1648 by a very modest entertainment of some escaped loyalist prisoners in that year¹. But in the meanwhile the account books of the Lady Alice show not only the regular draining of the wealth of the Association for maintaining the war, but also how the process of impoverishment of royalist estates went on, and how hard it was when a rich man had once offended against Parliament so openly as Sir Hamon had done, to 'purge' himself and his estate of that offence. The order of 2nd May 1643—among others—for seizing houses, goods, and chattels and malignants in the Eastern Association was sufficient warrant for almost any spoliation, but there were other irregular assessments which came particularly severe on 'unpurged' cavaliers. In Dame Alice's book we find heavy levies for Sir Thos. Fairfax, for the Eastern Association, to 'the rate for all garrisons', 'for the reducing of Newark', 'money for the Skotts', which Sir Hamon paid not only for Hunstanton, but for his estates at Heacham, Ringstead, and Sedgford.

When added to these came the claims of the worthy magistrates of Lynn, and for special damages from the members for the borough—and their wives—whom Sir Hamon had been obliged to imprison during the siege, we can understand the bitterness that invades his and his son's mind. And when on 9th December 1643 an order of the House came down setting up the very claimants and enemies as assessors of the damages they claimed, it appeared that Parliament did not scruple to repudiate solemn engagements entered into by her generals in the field. The order has been preserved in Husband's *Collections*²,

¹ *H.M.C.*, 7th Appendix to 11th Report, p. 103, 9th October 1648. Sir Hamon L'Estrange 'understands that Toby Pedder (whom he has not made chief constable to repay him with malice and ingratitude) has given information concerning some clandestine favours shown by him to some soldiers of the King's party lately landed at Heacham'.

² *Historical Collections*, p. 396, 9th December 1643. An order for giving satisfaction to the well-affected of King's Lynn: 'Forasmuch as the E. of Manchester in his articles of agreement with the town of King's Lynn remitted their offence in reference to himself and his army while he lay before the town, but touched upon no private injuries done by the Malignants to the well-affected . . . it is ordered that Col. Walton, Governor of K. L., Master Percivall, and Master Toll, M.P.'s. shall examine what damage hath been done . . . and have power to sequestrate so much of their estates and assign it to those that have been damnnified'. Worse still is the direct repudiation of November 1651. 'It does not appear after search in the Records of Parlt. 1643-9 that these articles were ever confirmed'. *H.M.C.*, 7th App. to 11th Rept., p. 104.

and has a pathetic counterpart in several entries in Dame Alice's book ¹.

May 1644—paid to Toll and wife for imprisonment	£50	0	0
„ 1645—paid to May, Wormell, &c., for their pretended losses	225	11	0

As to the awards of the Commissioners mentioned in the note below, we find two significant entries:—

April 14, 1645—(1) To the town of Lynn for the Town Houses that were pulled down, and the governors took away all the materials, yet by his order we pay	£95	13	10
(2) To Mr May, Mayor of Lynn, upon an unjust order made by Mr Miles Corbet, Mr Valentine Walton, Governor of Lynn, for the pretended loss sustained as they falsely suggest, by the command of Sir Hamon himself	47	13	4

The last-named damage was probably the work of Manchester's artillery ².

Sufficient is here detailed to show that L'Estrange had peculiar reason twenty years after for publishing in his *Reformation Reformed*, a complete list of Parliamentary orders and sequestrations out of Scobel and Husband. When we are inclined to judge his undying bitterness harshly, we should remember the treatment meted out to his family. Such considerations determined him on the next adventure which so nearly cost him his life, and from slanderous accounts of which he had to defend himself at intervals during the next forty years.

The game of hide-and-seek played by the cavalier gentry of Lincoln and Norfolk between Crowland and Lynn gives those two strongholds a measure of their importance. We saw that Cromwell had to take off the horse in the later stages of the siege of Lynn, and carry them into Lincoln, which was almost lost to the Parliament by movements determined largely by affairs in the West. On 5th October

¹ *East Anglia*, p. 296.

² Order to pay 18th March 1645 (*Reports, Commissioners*, 34, p. 182), the total sum £267, 1s. 6d. to be divided between Major Gurlyn, Sir Hamon and Robt. Clench, 'it having been shewn that (they) did unjustly command certain houses and walls in S. Lynn to be pulled down and demolished'. The payment noted by Dame Alice is the half the L'Estrange share. See Husband's *Collections*, p. 396.

Crowland had fallen to the King's party, and four days later Manchester, having left Col. Walton in charge of Lynn with some discontented and ill-paid Essex levies, joined Cromwell in that series of sharp engagements which regained Lincoln, but left Crowland desperately obdurate in cavalier hands. The prisoners taken in Lincoln were taken to Lynn, thus creating a hope which a certain Capt. Thos. Leoman communicated to young L'Estrange at Oxford, where he had drifted from Newark as a volunteer in Major Cartwright's troop¹.

In these circumstances Leoman, who had previously taken the Covenant, approached our hero² with a project which did little credit to the cunning of either, unless, as is suggested by Vicars, the covenanting captain was traitor from the beginning³.

Besides the evidence handed in at the Court-Martial, we have various accounts of this affair. How singularly Roger was left to make his own defence then and after, is shown by the fact that we have only his own story to set against half a dozen hostile accounts.

The one piece of evidence which was incapable of being contorted was his precious commission⁴ signed by 'apostate Digby', for the King, the result of L'Estrange's importunacy at Oxford.

As to the other circumstances, especially those relating to Leoman, his enemies were divided between the desire

¹ *Lords' Journals*, vii., 119a.

² The Court-Martial 'certificate' demanded by the Lords says nothing of Leoman approaching L'Estrange at Oxford, and makes the seduction entirely Roger's affair at Lynn—an important point.

³ Hardly likely in the absence of personal malice so far as we know. Roger's own explanation—he did not know of Leoman's having taken the Covenant—that the fall of Crowland in the first week of December and a week or so after the date of his commission, determined Leoman to play the traitor, seems far likelier. That the cavalier was 'gulled by a dull roundhead' is but too evident.

⁴ E. 21 (31), quoted in full: Kingston's *East Anglia*, p. 184; Rushworth, 1692 ed., vi., 804. Dated 28th November 1644, Charles Rex—After the preamble referring to 'our well-affected subjects of our country of Norfolk and Suffolk and particularly of our Town of Lynn', and 'our trusty and well-beloved Roger L'Estrange' the terms of the Commission run:—

(1) That in case that attempt should be gone through withal, he, the said Roger L'Estrange, shall have the government of the place.

(2) That what engagement shall be made unto the inhabitants of the said place or any other person capable of contributing effectually to that service, by way of reward, either in employment in His Majesty's Navy or Forts, or money not exceeding the sum of £5,000, the service being performed shall be punctually made good unto them.

(3) That they shall in this work receive what assistance may be given them from any of our nearest garrisons.

to make the chief figure in the fiasco a ridiculous meddler, and to render him base, as one who extorted a commission from 'the good King' by false pretences. In any case he was the veriest gull of 'a brace of blackguards'.

'About November 1644', says one hostile account¹, 'the Town of Lynn being in the rebels' hands, the gentleman you wot of, pretending abundance of interest there (when indeed he had none at all), procured a commission from His Majesty to reduce it, graciously promising him the government of the Town, if he could affect it, and payment of all rewards he should promise not exceeding £5,000, &c. The hair-brained undertaker could think of no other way to reduce it, but by sending for one Capt. Leoman of Lynn (one that had taken the Covenant and a known zealot for the rebels' cause), to a papist's house 2 or 3 miles off and very discreetly blunders out the business, shows him his commission, promises him £1,000 and other preferments if he would betray the Town², adding that "the King did value the surprising of that town at half his crown", a very likely tale. Leoman, perceiving what a weak tool he had to deal with seems to comply; but the same night acquaints Col. Walton and (according to promise) meets our skulking town-taker next day, but carried with him a corporal in seaman's habit, to whom he also frankly showed his commission.

'In the meantime Lieutenant Stubbing and five soldiers habited like seamen came from Lynn to the house, and then the disguised corporal seizes our gallant undertaker, who tamely surrenders both his person and his commission'³.

Vicars' account, which is, with certain additions, substantially the same as that given in Rushworth⁴, adds to the promises that 'within 10 days after certain notice that the Town was reduced, his Majesty would send a sufficient

¹ *The Loyal Observer*, printed by W. Hammond, 1683 (*Har. Misc.*, vol. vi.).

² *Burning Bush Not Consumed*, pp. 78-80. Probably a gloss on the last promise in L'Estrange's commission: 'When our said Town shall be reduced . . . we shall forthwith send thither such a considerable power as shall be sufficient to relieve and preserve them'.

³ We need scarcely refer to Harry Care's slander to the effect that Roger was taken in Lynn whilst on a visit to his mistress. *Observer*, i., 61.

⁴ Rushworth, vi., 804-8. The latter adds that Roger was taken to London on 19th December, 'brought to the door of the House of Commons, and committed to the Provost-Marshal, and this Ordinance (reference to Court-Martial) made concerning him'.

power to their relief, and that those forces should be under the command of Lord Goring'.

In his defence Roger made it a strong point that Leoman was not of the enemy; and that Hagar—the other of the 'brace of villains'—though one of the garrison, represented himself as, if we may trust Vicars here, 'a poor man living in Fisher's End in Lynn and kept an alehouse, that he was £40 the worse for the Roundheads'.

There are other circumstantial details in Vicars and Rushworth, as that of the arrival at the lonely house of the five disguised soldiers¹ 'apparelled like ship-broken men, who, banging to the door, and somewhat boldly getting within the courtyard of the said house, being so ordered by the Governor, who, as soon as they were up to the door of the house, the gentlewoman of the house came running up to Mr Strange and told him there were 6 or 7 poor soldiers come from Lynn begging. Mr S. presently sent them down a shilling and wished them to be gone, and Mrs Paston went down to bar the door, which Capt. Leoman seeing winked upon the said corporal then present to lay hold on Mr S., which instantly done he gave a stamp with his foot by which the lieutenant knew what he had to do, whereupon Mr S. seeing he was betrayed, conveyed his commission to Capt. Leoman (out of the frying-pan into the fire), then the lieutenant, not taking notice of the person of the Capt. as known to him, or on set purpose to ensnare S. did first attack Mr S. as an enemy to the Commonwealth and demanded his name, which he refused to tell; then he required his business, but he denied to have any, etc.'.

The points in dispute in the various stories are so trifling and the case so complete, that the judge-advocate at the trial produced no witnesses, relying for a conviction on the cavalier's own story.

This trial by Court-Martial was ordered by Parliament, and whilst the Court had, no doubt, the ordinary powers of such courts, its commission was defined by certain articles which made no direct mention of spies—a circumstance which opened the smallest loop-hole to the distressed cavalier. So his demand for the authority of the Court to try him was met by the production of the Parliamentary

¹ Vicars, *ibid.*

order¹. His appeal to honourable precedents, his absurd contention that he was not taken within the enemy's lines, were items of a gallant but futile defence.

Some contradictions appear in his own later narratives. The first day of the trial was the 26th December, when he declares he asked for some time to prepare his defence. Yet in the same breath he complains that the trial was not concluded the same day because it was perceived that a majority of the Court was friendly.

On the 28th—exactly a month from the date of his ill-starred commission—the Judge-Advocate having meanwhile been changed from Sir John Corbet, who was friendly, to the hated Dr Mills, and the Court having been augmented or packed², Roger's elaborate defence was refused a hearing, and at 11 o'clock at night the Court brought him in guilty. He was condemned to death by hanging—the date fixed being 2nd January, the day on which the Hothams suffered and the authority of the Court expired.

In regard to this trial it should be observed that the Court was not an ordinary Court-Martial³, but specially appointed by Parliament with fixed articles to deal with a batch of exceptional treasons which were symptomatic of the doubts and uncertainties of this year. The most outstanding of these was that of the Hothams, father and

¹ Order of House, 19th December, communicated to the Court-Martial, 21st December, *Lords' Journals*, vii., 107a: 'that Mr Roger L'Estrange be referred to the Commission for Martial Law to be speedily proceeded with according to the course of Martial Law, for being taken with a commission from the King for delivery of the Town of Lynn to the King and endeavouring accordingly to do it'. The reason for haste was that the commission expired on 2nd January. See his *Appeal from the Court-Martial to Parliament*, 7th April 1647, E. 385 (21).

Judge-Advocate.—'We proceed only upon his own confession, and there being no witnesses against him, we take the case as he hath set it forth. The gentleman might have saved a labour and not limited the power of the Court, for they proceed upon a Law common betwixt the enemy and us'.

² 'I was (in effect) tried by one Committee and sentenced by another'. *Truth and Loyalty*, p. 38, and *Appeal from the Court-Martial to Parliament*.

³ Husband's *Collections*, p. 29. Appointed after many conferences between the Houses 16th August of this year, its commission to run for four months. Its powers, therefore, expired, as Mills explained, on 2nd January. L'Estrange was wrong when he said none of the articles of their commission touched him. The second certainly did. As to the Court, twelve of the commissioners, three of whom must be officers, and one Sir Nat. Brent, formed a quorum. Among L'Estrange's friends in the Court were Northumberland, Sir Edward Baynton (to whom in his *Apology* (1660) he appealed as to the truth of his account of the Court-Martial trial), and Sir John Corbet. 'I never believed Sir John Corbet my enemy, and so I leave his name as fair as I found it' (*Appeal from Court-Martial*). Sir John Evelyn in the House seems to have been friendly too. *Lords' Journals*, vi., 119a.

son, who had not L'Estrange's fortune to find a strong party in the House to intervene between judgment and the scaffold.

It was natural for L'Estrange to make the most of his case, but he probably had in mind an exact parallel in that of Robt. Yeoman, executed in the spring of 1643 by sentence of Court-Martial at Gloucester for an attempt on Bristol. Yeoman, too, had one of those commissions which Digby scattered around, and George Teage played the part of Leoman in the piece. There had been the same lurking about, and attempts to seduce men from the other party. There were later examples as that of Sir Alexander Carew and the attempt to betray Plymouth. The setting up of the Court at Guildhall in August 1643 was the result of the angry feeling aroused in Parliament by the frequency of these Royal Commissions which we must admit with the Judge-Advocate to be wholesale bribes to treachery¹.

There were, besides the order of the 18th August establishing the special Court-Martial, several orders of the House, one as recent as 18th October, and one of the 10th April which laid down in the clearest possible manner that 'whatsoever person shall come from Oxford or any part of the King's army to London or the parts adjacent, or to any part of the army under the command of the Earl of Essex, etc., without the warrant of both Houses of Parliament, or of the Lord-General the Earl of Essex, shall be apprehended as spies and intelligencers, and proceeded against according to the rules of war'.

The extraordinary thing is that L'Estrange was able to raise any sympathy with his case. He says—and we have no reason to doubt his word—'that his summary treatment was much resented by members of Parliament and officers who happened to be in Town,'—that the latter threatened wholesale resignations. Their action was doubtless dictated

¹ Vicars, *ibid.*, p. 78: 'About the 18th of this month (December) we received certain knowledge of divers plots and treacherous designs of the enemy for the betraying of several towns and strongholds.' The places enumerated are Stafford, Dover Castle, Abington ('wherein Major-General Brown most bravely befooled that furious spark and glittering glow-worm of Oxonian wit and base treachery apostate Digby'), Reading, Aylesbury, Plymouth, 'all these about the same time'. For the case of Abington and Digby's attempt to seduce Brown from his loyalty, see Rushworth, vi., 808, and the other side in *Mercurius Aulicus* for 30th December 1614, p. 1322. No mention of L'Estrange's case is made in *Mercurius Aulicus*.

in the first case by a natural dread of reprisals and on the part of the high persons who moved in the affair, by local ties and respect for an ancient family, and possibly also by that circumstance which the condemned himself pleaded—his youth.

Late as the hour was when Roger received sentence, he retired to his prison to write certain remarkable letters. His hopes now lay with Essex and the King. In his budget to the former accompanying a letter of intercession¹, he enclosed:—

1. A petition to Essex which states that ‘He is condemned to death under the article which condemns to death any one who attempts to betray a town to the enemy; he cannot understand how this article can refer to him who has ever been of the King’s party’.

2. A printed copy of his commission.

3. His defence, which is in brief—that there are many honourable precedents for his attempt on Lynn. This was a copy of the paper he threw among his judges when they would not hear him.

To the King at Oxford he sent the same night a similar plea, the answer to which, dated Oxon, 1st January, must have come too late², but for a final appeal which he addressed to the Lords on the last day of December.

Prince Rupert to the Earl of Essex.

‘OXON, 1st January 1644.

‘MY LORD,—The occasion of my sending unto you at this time is the Report of one Mr Roger L’Estrange, his being condemned to death at London upon a charge of having undertaken somewhat for the reducing Lynn to his Majesty’s obedience. If the person be found guilty of any treachery as having been engaged anywise on your side, I shall not interfere. But if not I should be very sorry that any bloody examples should be begun at this season

¹ *H.M.C.*, App. to 6th Rept.—*Calendar of House of Lords*—pp. 38a, 39a. See also *Observer*, ii., 80, for L’Estrange’s version.

² The Hotbams were executed at 9 on the morning of 2nd January. Rupert’s despatch could not reach Essex till late on the night of 1st January. There was then no time for the conference which must have taken place, and Essex was scarcely likely to act alone in the known temper of the Commons. Fashworth (vi., 808), however, mentions the timely appearance of a trumpeter from Oxford.

contrary to that fair quarter which hath hitherto been observed on his Majesty's part in this unhappy war¹. For a particular conclusion of which no man prays more heartily than—Your Lordship's servant,

'RUPERT'.

Meanwhile his life hung on the petition to the Lords of the 31st December², and here we see something of the violent struggle which in the case of the Hothams³ terminated fatally at Tower Hill on 2nd January and in L'Estrange's case was at last successful.

The Commons as was natural were the more rigorous, and had on the morning of the 31st adopted their usual plan of deferring all private business for ten days.

'Upon my Appeal', says L'Estrange⁴, 'the Lords ordered a reprieve and that the judge-advocate (Dr Mills) should bring up my charge to that House; Mills appeared, but excused himself as to the charge of want of time to draw it up. But it should be ready in two days. What (says one of the Lords) is the gentleman condemned to die and his charge not yet drawn up? You don't intend to execute him in the interim? My Lord (says Mills) the warrant is out for his execution to-morrow. How dare you do this (says a noble Lord) when this House has reprieved him till further order? My Lord (says he) I have an order from the Commons that *no reprieve shall be allowed without consent of both Houses*. Hereupon the Lords demanded a conference and with much ado obtained it; but upon the first mention of my name, the Commons interposed that the House had that morning passed a vote, that no private business should be moved for 10 days. So that I was hampered both ways—First the Lords alone could not save me, and secondly the Commons would not join with them; but however (after a violent struggle), I was reprieved for 14 days and from

¹ 'Prince Rupert', says Sir Sidney Lee (art. L'Estrange, *Dict. of Nat. Biog.*) quoting Boyer, *Annals*, iii., 242, 'is said to have informed Essex that he contemplated reprisals if L'Estrange were executed'. No doubt the passage in Rupert's letter quoted above was responsible for the rumour.

² The terms of the Petition are excused by his condition, at 27 'adjudged to die the most ignominious death; prostrating at their Lordships' feet (he) most humbly implores their Lordships' mercy that he may not be cut off in the prime of his youth, but live to do God and his country service hereafter'. *Lords' Journals*, vii., 188a.

³ There had been trouble between the Houses over the reprieve for fourteen days of the elder Hotham. See Oldmixon, i., 270.

⁴ See *Appeal from the Court-Martial* (1647), and *Humble Apology to Clarendon*. The *Appeal* was reprinted in *Truth and Loyalty Vindicated* (1662), p. 38.

then till further order I must not forget what I owed to his Sacred Majesty, upon the whole matter, whose letter to the General, by the hand of his Highness Prince Rupert threatening a revenge if they took any other course with me than according to the ordinary rules of war, was highly instrumental to my preservation'¹.

The noble friends in the House of Lords to whom L'Estrange was chiefly indebted were Northumberland and Stamford, while in the Commons, where his case was most desperate Sir Henry Cholmondely, Sir John Corbet, Sir Edward Baynton, and probably Sir John Evelyn, were gratefully remembered. Nor was a word of thanks lacking to some of the other side. Somewhere between his condemnation and his reprieve, he was visited by two ghostly advisers and quondam enemies Messrs Arrowsmith and Thoroughgood, both 'of the synod', *i.e.*, the Westminster Assembly, the former now curate in Lynn in place of the malignant displaced in 1643, and the latter Mayor of Lynn in 1652. These men came to him in New Prison with offers of life—though in exile—if he would take the Covenant². Though he honourably declined, it would be pleasing and not improbable to think of these worthy men, and perhaps members Toll and Percivall as among the commoners who sided with mercy in that 'violent struggle'.

Against the other actors in the scene and especially against Tichborne and the man who sentenced him, Dr Mills, he nourished a natural hatred, and when in early Restoration days it appeared that the principle of *vae victis* was to be discouraged, Dr Mills as Chancellor of the Bishopric of Norwich offered a target for the indignant Cavalier. Tichborne—and on other grounds as well—he detested³. Among a mountain of Restoration petitions for restitution and damages we find that of Roger L'Estrange praying 'that his remedy at law against Robert Tichborne and others may be specially excepted out of the Act of Oblivion'⁴.

¹ *Humble Apology to Gloucester*. This version is confirmed by the account, *Lords' Journals*, pp. 118a and 119a. In his notes to *Hudibras* 1744, Zachary Grey could not resist the temptation to include Roger's hard usage among instances of Commonwealth justice, i., 395.

² *Observer*, June 1684, ii., 80.

³ Tichborne was on the Court-Martial which sentenced him and was identified with the opposition in the Commons to his release. Roger was again to encounter his severity in connection with one of his *Interregum* squibs.

⁴ *H.M.C.*, 7th Rept. 96b.

On the whole a modern judgment would seem to be that he deserved to die as a spy if not as a traitor, and that he was rather leniently treated by the party to whose disparagement he devoted his long life¹. This was clearly the view of Clarendon².

What embittered L'Estrange — and perhaps rightly — was that already even when he lay in Newgate, the hint was being passed round that 'L'Estrange was false'. He had taken the Covenant and the pay of the enemy. The Kentish Rising brought this to a head, and his subsequent history during the Protectorate lent much circumstance to the story, but how anybody, except from malice, could invent such a libel in the four years of his sojourn in Newgate passes comprehension.

Four years he lay in Newgate. From its dreariness and chains arose the truest Cavalier strain, the *Hymn to Confinement*, which one would naturally and even on severe literary grounds admit into any collection of Cavalier songs which can excite 'loyal flames'³.

Years after when Howell advised the disappointed Cavaliers to content themselves with 'a good conscience', Roger rather sadly remarked that they had enjoyed that boon for twenty years.

So early as 13th February 1644-5 our prisoner petitioned the Lords for liberty on the score of health. He had 'an indisposition of health upon him and much streightened in prison'. An order of the Lords for 'such accommodation as may stand with the security of his person' was the only result. Again on the 24th July 1645 'having all the symptoms of fatal and irrecoverable consumption', his petition for 'the benefits of a better air than Newgate affords', and a desire for a parole of the city were met sympathetically by the Lords, but the Commons were obdurate.

¹ See Macray's *Clarendon*, bk. viii. sec. 284. Never possibly was any man's escape from the gallows so often deplored afterwards. 'All honest men in England wished afterwards he had been executed'. Oldmixon, i., 270. So Lord Lucas' speech in the House of Lords (*Ibid.*, i., 612) 'He deserved of all men to be hanged, etc.'.

² See p. 21.

³ A *Hymn to Confinement* . . . to which is added a poem on the same subject by the famous Sir Roger L'Estrange when in Newgate in the days of Oliver's Usurpation, London, printed in the year 1705, price 6d. It bears also the names of *The Imprisoned Cavalier* and *Loyalty Confined*. See Miss Mitford's *Recollections of a Literary Life* (1859), p. 276. For its authenticity see Appendix.

Thirty long months he lay in Newgate and then finding no movement for his liberation, he put together and printed some sheets which he entitled *An Appeal from the Court-Martial to the Parliament*¹—a tract of ten pages, containing his Commission and the replies of Sir John Corbet to the prisoner's protests. This document may have had sufficient effect to mollify the conditions of his captivity, for next year—that is in 1648—when things were ripening all round for that futile series of local risings which Ranke names the so-called Second Civil War, Roger slipped out of Newgate, 'with the privy of his keeper' and characteristically made straight for the scene of the greatest danger.

Clarendon writing long after rather cruelly said that L'Estrange 'was kept in prison till the end of the war and then set at liberty as one in whom there was no more danger', and mingles with this remark² the wise rebuke that 'he retained his old affections and more remembered the cruel usage he had received than that they had not proceeded as cruelly as they might have done'³.

This rather tame version of Roger's liberation is probably correct, as it took place in the moment of strong popular reaction to the Royalist side, when loyal pens were permitted almost to monopolise the Press, and bands of apprentices to demonstrate against the Government. It was a moment of weakness and vacillation on the part of the Government, expecting and dreading the defection of the Presbyterians and of the City⁴, embarrassed by Cavalier plots⁵, and very little assured of their own policy.

¹ 7th April 1647, E. 335 (21). 'After thirty monthis' patience, at least one hundred petitions (but for breathing room) not so few letters of thanks to your members (only for saying 'tis hard). After all this and more I am told my case is different from other men's. Am I then becalmed in Newgate? . . . Since that I have awaited my promised hearing and can now expect no longer, being at this instant reduced almost to my first principles by a consumptive, hectic temper'. See also a (printed) letter to a member of Parliament 1646, praying him to present a petition from Roger L'Estrange for release. S. Sh. 669 f. 9 (64).

² Clarendon would not remember our hero very kindly as the man who stirred up by his Restoration writings all that was embarrassing to the Government, in the attitude of the disappointed Cavaliers.

³ *History of the Rebellion* (1826), vi., 26.

⁴ 'The Houses fear them, if the Army should be away'. *Clarendon State Papers*, 25th May 1648, No. 2790.

⁵ *Ibid.* 'The great bug-bear Plot lately discovered'. Hence the Proclamation against Cavaliers which sent them swarming into Kent, to the annoyance of the Kentish men.

The premature rising in Kent helped them to make up their minds.

For obvious reasons Clarendon represented that and simultaneous revolts as solitary and unorganised outbursts of the popular will. But though they were certainly ill-organised and their bias altered to suit the loyal interest, the Cavalier leaders had perforce to attempt some sort of leadership when they did appear. The story of the London tumults and the Canterbury Riot leading up to the events of May and June 1648 have been too exhaustively related by the modern historian¹ to need anything here but the barest outline of the main events, with a more particular account of L'Estrange's eccentric part in the movement.

And first of all Clarendon's portraiture and account of his conduct may best appear here.

'Mr L'Estrange', he says², 'was a man of a good wit and a fancy very luxuriant, and of an enterprising nature. He observed by the good company that came to the house (of Squire Hales at Tunstall, in Kent) that the affections of all that large and populous country were for the King. He began to tell Mr Hales "that though his grandfather did in his heart wish the King well, yet his carriage had been such in his conjunction with the Parliament that he had more need of the King's favour than of his grandfather's to be heir to that great estate; and that certainly nothing would be more acceptable to his grandfather or more glorious to him, than to be the instrument of both, and therefore advised him to put himself at the head of his own country, which would be willing to be led by him; that when the Scots were entered into the Northern parts, and all the kingdom should be in arms, he might, with the body of his countrymen march towards London, which would induce both the City and the Parliament to join with him, whereby he should have great share in the honour of restoring the King"'.
'

In connection with the account which follows, and which might almost lead us to believe that Hales and L'Estrange were the Absalom and Achitophel of the affair, Professor Gardiner warns us that the L'Estrange-Hales part 'can

¹ Gardiner, *History*, xiii., 381-7.

² *History of Rebellion*, vi., 27.

only have been an episode in the full story¹. The tendency of L'Estrange to magnify his share in the adventure was natural, so that one reading, first his description (wherein though mention is made of the Earl of Norwich, the whole scheme seems to collapse with his withdrawal from the scene), and then the not very friendly account of Clarendon which omits altogether the Canterbury disturbance and scarcely mentioned Rochester—the Tale of Kent would seem to be entirely a tale of L'Estrange and his rash intrusive action.

On the other hand the later Kentish pamphlets so teem with abuse of the unlucky adventurer, that little is discernible for the cloud of suspicion and contumely—which helps also to exaggerate the part which Roger played.

But when due deduction is made it will appear that this object of universal execration did thrust himself into a commanding position in the councils of the early and local leaders. His own account deserves the closest scrutiny as being a single defence against many detractions.

In the first place it must be observed that his part in the affair was confined to organising the earlier discontents, and that his vainglorious rhetoric led him to the penning of certain extreme declarations before any considerable body was in the field.

The beginning of what Roger calls 'this babel (for it proved but a glorious confusion)', was the riots—not confined to Canterbury—over the Christmas celebrations which offended the precisians. Whilst the chief fomentors of these disturbances were for over two months lodged in Maidstone gaol, there seems to have been an understanding that no formal prosecutions would take place. But in May, Parliament sent down a special Commission of *Oyer and Terminer* to Canterbury for the purpose, and special efforts were made to pack the jury—'none pickt but well affected to Parliament', says the prolix Carter². Nevertheless, the jury insisted on returning *ignoramus*, and not content with this, on the 11th May, met together, and with the help of others framed a memorable petition, the terms of which make it clear that the sheriff's choice of men well-affected

¹ He is not even mentioned in the *Newsletters* of the *Clarendon State Papers* Collection (Nos. 2790-2804).

² Mathew Carter's *Most True and Exact Relation of that as Honourable as Unfortunate Expedition of Kent, Essex, and Colchester*, printed in the year 1650.

to Parliament was either singularly careless, or the country singularly unanimous for a change of masters. This petition endorsed with a notice of a great meeting of the shire to be held at Blackheath on the 30th was published widely, and subscriptions, which were to be forwarded to Rochester by the 29th, invited.

It was, after the event, explained by the men of Kent that the petition was wholly a matter of grievance against the committee-men, but the rush of Cavaliers into the disappointed area 'changed the interest'.

It is now that L'Estrange, fresh from Newgate, enters. He made straight for the village of Tunstall, where he fell in with the youthful Squire Hales, over whose mind he exercised an extraordinary influence. Young as Hales was in 1648—he was twenty-two—he had already, with the connivance of his grandfather, assisted in the abortive Kentish disturbance of 1643, and for their share in that affair both were committed to custody¹. The grandfather, although Member of Parliament and Parliamentary Deputy for Kent, behaved on that occasion with such duplicity that L'Estrange, as reported by Clarendon, was possibly right in representing to the youth that the old man would be as glad as not of his successful intervention now, to secure the estate by effecting a Restoration.

Roger's action, beginning at Tunstall as a base of operations, was limited to the fortnight between the Parliamentary order of the 16th May to the deputy-lieutenant's to suppress the Petition, and the night of 1st June when Fairfax occupied Maidstone.

When he arrived Kent was seething with discontent, the message of Parliament that the order requiring the suppression of the Petition should be read in all churches having brought matters to a crisis; but especially in the country parts merely formless, though vehement, agitation was observable. From the Manor at Tunstall, the rendezvous of the gentleman of East Kent, Roger set himself to organise rebellion. He was aided by the generous enthusiasm of Hales², who seems to have been entirely under his manage-

¹ Hasted, *History of Kent* (1782). ii., 577; iii., 94.

² Whether Hales was chosen generalissimo at the meeting at Rochester on the 22nd or before is not clear. There was some rivalry for the post. 'At first appearance there was some contest who should be general . . . at last they pitched upon Esquire Hales (a bird that hath good feathers to pluck)'. See *Kentish Longtailes and Essex Calves*, 14th June 1648 (Bodleian, Wood, 502, 23).

ment, and devoted, says Clarendon, as much as £80,000 to the cause.

'I found', says Roger¹, with broad irony, 'little to that purpose, much talk of a petition, and the people prone to promote it, but as to the conduct of those inclinations (for ought I could discover) much to seek. No person of quality to avow it. No correspondence to strengthen it, nor (as yet) any commissioners agreed upon for the manage of it; and this disorder the deputy-lieutenants understood more than enough, who fell in immediately with their troops to suppress it and that with bold and public menaces of violence and severity against the Petitioners, nor were they far from seizing the most eminent of them.

'Opposition they met with none, but in discourse a universal execration to be for ever slaves and a resolve to redeem their liberties *if they might be had for asking*. But another medium was now to be thought on and who should strike the first blow was the great question and mutual expectation. This was the state of your affairs, when you invited me into an engagement'².

In other words, we are to infer that the choice fell on L'Estrange to strike the first blow. But other authorities show that he was not even the first to persuade his pupil to take an open hand, and that the credit of effective persuasion was due to the Earl of Thanet, who 'acted heroic gallantry at Ashford, Holfield and Charing, secured 1,000 men and giving an account of the Rising to Squire Hales, who far more gallantly proceeded than he began, so now when he had made a fair and hopeful beginning and had assured very large assistance from his purse, made a slovenly exit from the scene of honour, and obscures himself beyond the hanging of apostatism. In so much that when he was sought for by his neighbouring gentlemen, whom he had incited by his forwardness, and invited by persuasions, the noble Earl was fled to take counsel of his peer the E. of Pembroke'³.

The nature of the 'public menaces' referred to by L'Estrange is discovered in the statement of Sir Anthony Weldon that 'he would not cross the street of Rochester to

¹ *Vindication to Kent*.

² *Ibid.*, Clarendon (vi., 28-9) gives a specimen of his oratory—'Mr L'Estrange spoke to them in a style very much his own, and being not very clear to be understood, the more prevailed over them'.

³ Carter's *True and Exact Relation*. See p. 31.

save one soul that subscribed the Petition', and the proposal of a gentle alderman of Rochester to hang two of the petitioners in every parish¹.

The signal of revolt seems to have been given generally on the 21st. It so happened that on that day the Kentish committee-men were sitting at Sittingbourne, two miles from Tunstall². Roger and his merry men swooped down on them and took the place. Here his lenient treatment of one of the captured committee-men first gave rise to the murmurs that 'L'Estrange was false,' and lost his little company some six or seven men. At the same time he penned the first of a series of rhetorical declarations, which afterwards brought him much detraction³.

A move was made on Maidstone on the 23rd when despite the defection after the second day of a third of their men, they now numbered 400 horse and foot. Previous to this move Roger had despatched invitations to Faversham and Canterbury to join with them. Their answer 'that they would look to themselves' was interpreted by the violent amateur as a repudiation of leadership and co-operation on which the rising was wrecked.

But their answer was due rather to the proceedings of the previous day—the 22nd—at Rochester, where a strict engagement was entered on by a great meeting of local gentry, at which the 30th—the day already mentioned in the Petition—was finally fixed on for the rendezvous at Blackheath, and the local leaders assigned their tasks⁴.

One large contingent under Cols. Hamond and Halton marched south to Dover and another body made for Sandwich, where the fortunate apostasy of Capt. Keeme in delivering invitations to the mutinous sailors resulted in a diversion from the sea-board, that proved the most dangerous feature of the rising.

The return of part of these bands to Rochester on the 29th—their object having been effected—was well-timed to hearten the rebels especially in their hold on the valley of the Medway, which L'Estrange's action had for a time seriously threatened.

¹ Carter's *True and Exact Relation*, and *Clarendon State Papers*, No. 2790.

² They had come from Maidstone, under Sir Michael Livesey, with one hundred horse. *Ibid.*

³ *Vindication to Kent. The Declaration and Resolution of the Knights, Gentry, and Freeholders of the County of Kent.* (Wood, 502 (13)).

⁴ *Clarendon State Papers*, 29th May 1648, No. 2791.

That eccentric leader had occupied Maidstone, where he had 'a most effectual reception' on the 24th. On the same day a party was sent to seize Aylesford on the Medway between Maidstone and Rochester. During the day a superior body of Parliamentarians, which the deputies had got together, was seen to be advancing on Maidstone. Prudence advised pourparlers. Parliament, impressed by the vigorous opposition of the Kentish members to extreme action, had not yet abandoned the attempt to soothe down the revolt¹. Commissioners Oxenden and Biscoe desired to meet the Royalist leader. 'We answered', says Roger, 'we could not fight and treat at once. Let us have liberty to discourse. They promised to guarantee us from violence during the treaty'. But it required an alarm and retreat to bring the loyal party to an accommodating temper.

In the inglorious retreat to Aylesford they were overtaken by the Deputy-Lieutenant Sir Michael Livesey, and again a truce was mooted. L'Estrange was chosen to represent his people ('an office of too coy a nature with a slippery multitude I was now to learn'), and Sir Michael signed for the other side the document which defined a truce of three days from the 24th (Wednesday) to the 17th (Saturday)². This agreement was reached at five in the afternoon after a harassing day's alarm and provocation. Its terms are important. Things were to remain as they were, and no troops to be imported into the country from London in the meantime. In addition—and this was the clause which failed to recommend the truce to the insurgents—the Parliamentary Commissioners were permitted to go to any garrison save that of Aylesford, which meant that in the most critical three days, they were to be allowed to engage in the work already being too well done by the apostate Earl of Thanet³ of mollifying the

¹ *Clarendon State Papers, Newsletter*, 25th May, No. 2790, quotes the resolution of Parliament to proceed warily. 'They do presently send down some gentlemen to them to desire a forbearance of acting anything further until Saturday. . . . I believe they will hardly believe in a Parliamentary promise, who have overreached them formerly'.

² *A Declaration of the Several Proceedings of Both Houses of Parliament with those in the County of Kent now in arms*—printed date 5th June 1648 (MS. in margin 29th May). 'They could effect nothing but a cessation from Wed., 24th May till Sat. following. 5 of the clock, during which time the Insurrection did increase to far greater numbers'.

³ *Ibid.* p. 7. Instructions of Parliament to Thanet in his negotiations with the rebels.

minds of the uncertain countrymen, whose complaints of being seduced by the gentry against the Parliament were already heard on all sides¹.

Be that as it may, the cry that L'Estrange was false received tenfold encouragement, and a reinforcement from Rochester which came up just after the agreement was signed, was for repudiating its terms. But the discovery that the enemy now posted in Maidstone was still stronger by one hundred men, made for prudence, and in the event L'Estrange was justified. For the country rose rapidly, and on Friday, 26th May, Deptford and Dartford were occupied for the King, and on the day the truce expired six ships in the Downs declared for the same interest. Rochester gave some recruits, and East Kent most of all. But *perdere quos vult Jupiter, hos dementat*.

Divided counsels, the lack of a leader till the eleventh hour², and distrust of the countrymen, neutralised the huge influx of insurgents, caused partly by the news of the triumphant return of Hammond and Halton from Sandwich³. It was here that Roger's fatal epistolary facility was again requisitioned. On the 27th, and while he was still a great man in the movement, he addressed a petition or declaration to the committee at Derby House, couched in the most grandiloquent language of the 'die with our swords in our hands' type⁴.

The day before Fairfax had started for Hounslow Heath,

¹ 'The frothy murmur of the giddy multitude' is the description used by a sceptical correspondent so early as 29th May. *Clarendon State Papers*, No. 2792.

² There was no lack of military talent, for, on the news of the Rising, Kent was invaded by Loyalist captains—an added embarrassment. For, 'though persons of skill in the art of war were arrived into the country in no small numbers, yet many of them expecting to be courted into the business not being taken notice of returned back again whence they came'. *Clarendon State Papers*, No. 2796. 'Most Lords say the Kentish men are very well officered'. See the pamphlet, *The Kentish Paper* (Bodleian, Malone, p. 740). "'What men of note have ye now at the Fayre!'" "Sir, we have Sir Robert Tracey, Sir Gemaliel Dudley, Sir John Many, Sir Thos. Godfrey, Sir Jas. Hales, Sir Wm. Many, Sir John Dorrell, Sir Richard Hardresse, Col. Washington, Col. L'Estrange, Col. Hacker, Col. Culpepper". The Kentish men 'were annoyed at having any strangers to come amongst them which hath been no small prejudice in their affairs'. *Clarendon State Papers*, 5th June, No. 2801.

³ *Calendar of Clarendon State Papers*, i., 424.

⁴ Quoted in the *Declaration of the Several Proceedings*, etc. (p. 27 note). Clarendon (vi., 38) says that when Parliament saw L'Estrange's warrants, they were puzzled to know who he was, and that the members for Kent assured them 'there was no such gentleman in that county'—a singular thing when we remember the prominence given to his trial, his late appeal, etc.

and the Commons referred the Petitioners to the General¹. This communication was received at midnight of the 29th, when the delegates from Essex were still planning with the Rochester leaders for a concerted action². 'This grain of paper', says an eye-witness, 'had quite turned the balance'. The men of Deptford and Dartford were ordered to retire on Rochester. L'Estrange, who was doubtless present at this midnight council, either on his own responsibility, or more probably at their invitation as in the other petition, penned a letter to Fairfax breathing the same warlike spirit which 'exasperated the fury and revenge of the army upon the county'. The truth is that the men, who could complain of these defiant letters, were of the wavering type noted by Barkstead in his communication this same day to Fairfax. 'The enemy still continue at Dartford. They give themselves to be 10,000 strong, but the countrymen lessen every day. These countrymen that are come home do extremely cry out against the gentlemen that did engage them, looking upon themselves as utterly undone, which is the only cause of their coming down, hoping thus to keep their necks out of the halter'³.

Another set of recreants enraged L'Estrange. On the same day he wrote the letter to the committee at Derby House he penned a very hot address to the people of London, inviting them, through the Lord Mayor, to throw open their gates and declare for the revolvers. The invitation was not ill-timed, but for the fact that the Presbyterians, though hating the domination of the Independents, dared not trust themselves to the Royalists, while the merchants and bankers

¹ *Vindication to Kent*, and *Clarendon State Papers*, 29th May, Nos. 2791 and 2800, 3rd to 13th June: 'Their answer was they should receive it from Fairfax'.

² *The Lord-General's Letter in Answer to the Message of the Kentishmen*, dated Blackheath, 30th May 1648.

³ Some blamed the gentlemen of Kent for irresolution, but all belaboured the poor countrymen. See the wretched poem, *Habzindos, A Message from the Normans to the General of the Kentish Forces* (Wood, 502 (44)). The hero (Hales) speaks after the loss of Maidstone, and the poet is apparently not aware of his flight:—

'Tis true we have lost two of our towns
By the remissness of unmanaged clowns
Who would no long time Martial order keep
Lest by their absence they should lose a sheep'.

had a like dread of the dislocation of trade and credit¹. The conservative forces of commerce were now on the side of the Commonwealth. In resisting our pamphleteer's eloquence, London earned a life-long hatred. 'The reprobate spirit of that apostate city gusts nothing but murther and rebellion'. Thirty years later part of the indictment of L'Estrange before Charles's Council, which forced him into exile, was a similar attack on the City for new causes, which were still the old.

Fairfax's reply was a soldier's letter. 'He was in a better condition to fight than treat'; 'as indeed he is better at it', was the tribute of L'Estrange who never fought, but always treated.

On Tuesday the 30th—the day fixed for the Blackheath assembly—a second meeting was held at Burham Heath, on the left side of the Medway, between Aylesford and Rochester. On the former wind and rain-swept day some 400 men had attended. With courage dashed by the elements, they had yet made the dispositions which resulted in the occupation of the Medway valley, the treason of the ships in the Downs and the seizure of the forts on the coast. Now 10,000 men crowded the Heath. But in reality the Fates were more strongly against them. It is true Lord Norwich's credentials were beyond dispute, and thus they were united for the first time under one general. But Norwich was little better than the carpet-knight, Holland, to whom he owed his commission.

The army that night was quartered at large in the country. The leaders returned to resume the council of war at Rochester, while Fairfax was outflanking them by way of Meopham, Malling, and Maidstone.

Among the officers who returned to Rochester on the night of the 30th was L'Estrange's pupil in arms, Hales. He did not stay, however, but, regarding the rebellion as now consummated, held himself released from the oath he

¹ The attitude of London was dubious. Whilst the trainbands guarded the Houses of Parliament, and the Tower was reluctantly relinquished by the Independents, it was confidently said that the citizen soldiers would not march on Kent (*Clarendon State Papers*, No. 2791), and, on the other hand, would declare for the insurgents on news of their first victory (*Ibid.*, 1st June, No. 2797). On 31st May the City petitioned Parliament to release their imprisoned aldermen and recall Fairfax (*Ibid.*). The sceptical writer of the *Newsletter* (*Ibid.*, No. 2792) talks of 'great exultation in London because yesterday the Kentish men retreated from Deptford'. Many London prentices were engaged (*Ibid.*, No. 2801). Altogether 'how the City stands affected in this conjuncture will require some logique to tell you' (*Ibid.*).

had taken when L'Estrange and he set out on the eventful morning of the 21st, not to return home till the movement was organised¹.

Roger, however, remained to indite one last epistle to the enemy, this time to the troops under Fairfax—surely a reprehensible course! 'It was hinted to me by divers to write something of an Invitation and Proposition to the enemy's army promising that their arrears would be audited and paid'—the old game of King's Lynn. Norwich and his men were posted on the historic ground of Penenden Heath beyond Maidstone, when Fairfax made his attack on the town on 1st June.

Surely never leader behaved with more pusillanimity. All the accounts go to show that the most he did was to watch the enemy hovering betwixt Maidstone and Rochester².

L'Estrange by this time had subsided almost into the position of a private volunteer, and deferring to the 'jealously of strangers' wisely relinquished any general command he may have had during the previous week³. On the 1st June, he says, '7 or 8 of us'—how his command had shrunk!—'(in chief myself) went thither (to Maidstone) but found the enemy entrenched. We returned to Rochester to deliberate. I rode over to see Mr Hales and told him Maidstone was lost. He resolved to go to Sandwich with his family. I saw him there and returned to the army. At Canterbury I desired a pass which I got with some difficulty'. Here he in vain implored the committee 'to give another push for it'⁴.

By this time 'a man might read the fate of Kent without

¹ Clarendon (*History*, vi., 41) ascribed his defection, perhaps, more reasonably to 'the storms of threats' of his grandfather, and 'the conscience that he was not equal to the charge'. Carter's *True Relation* (see p. 25) takes the more lenient view.

² The affair started late in the afternoon of Friday and was contested far into the night, which happened to be very wet. See *Kentish Longtailes and Essex Calves*, and the letter signed I. T. (E. 445, 42). According to the *Newsletter*, No. 2801, *Clarendon State Papers*, 5th June, Fairfax lost from six to eight hundred men, and the town was gained by the treachery of the citizens. 'In the action it was observed that the inhabitants were favourable to the Parliament . . . the auxiliaries served very well, and the Kentishmen but slackly'. The fight was bloody, however. (*Memoirs of Col. Hutchinson* (1885), ii., 146). Gardiner's excellent account is somewhat marred by ignorance of Fairfax's crossing at Farleigh Bridge (two and a quarter miles from Maidstone). See art. by H. E. Malden (*Eng. Hist. Rev.*, vii., 533) with Gardiner's acknowledgment, p. 536.

³ *Vindication to Kent*. Clarendon, vi., 38, 41: 'Mr L'Estrange, whom nobody knew', 'Mr L'Estrange, who had lost his credit with the people'.

⁴ *Ibid.*

an oracle. I repaired again to Sandwich, and hired a boat, and escaped amidst a shower of shot and reach Calais'.

Thus ended the famous tale of Kent¹. Although Roger is more scrupulous than other writers of blaming Norwich, there is little doubt that his conduct at Penenden Heath utterly disheartened his followers. Whether L'Estrange—and still more Hales—is to be blamed for anticipating the *saute qui peut*² or not, it is difficult to say. From one source we learn that the latter went home with Col. Archer on the night of the 30th to recruit his purse after a twelve days' campaign, with the intention of returning the next day. But that 'the misfortune of the succeeding night obstructed their return. For in the night the Lord Fairfax marching down towards Maidstone . . . about Fairley Bridge easily got over'³. The view which lingered in Kent was that Hales first, and the bragging L'Estrange, deserted before the main army had been in any way broken. One cannot deny that as he was foremost in inciting the countrymen to revolt, so Roger was almost foremost in flight.

When Kent was settled⁴ his defiant epistles were remembered with their menaces and rhetoric, but after all his answer that the raising of 10,000 in itself goes far beyond the violence of any letter, seems a good one⁵.

¹ *Clarendon State Papers*, No. 2804, 8th June: '“Sir, the men of Kent are now become Kentish men, their fire is vanished into Smoak”'.

² 'By a silent and sudden counsel of their own breasts, every man began to think of his particular safety, and in less than 24 hours became dispersed to their several refuges and sanctuaries'. Letter from a gentleman of Kent, 15th June 1648. (Wood, 502).

³ Carter's *True and Exact Relation*.

⁴ Macray's *Clarendon*, i., 428. 20th June: 'All is subdued in Kent'.

⁵ It was attempted to prove rather after than before the event, that the violent Royalists had 'changed the interest from a plain committee war without the least premeditated design against Parliament', to a move in the Stuart game. L'Estrange's epistles, especially that to Fairfax, were censured as committing the petitioners to a rebellion when redress of grievances was all they desired. 'Many concluded of a high letter to be written to His Excellency (The L'Estrange Epistle), which others did not approve of as not suiting with their distracted, confused condition and cutting off all overtures of pacification and treaty. Others liked not the peremptory declared engagement into a war'. In these reflections may be found the origin of the maledictions of L'Estrange.

CHAPTER II

1648-60

PROTECTORATE AND INTERREGNUM PASSAGES

WITH the conquest of 'unconquered' Kent¹—it is curious how false names stick—Roger as we saw looked back from a safe continental retreat with no little disgust at the 'Vanguard of Liberty'. It proved a vanguard of contumely and reproach to him, for scarcely a post but brought letters, newsletters, and printed sheets stuffed with revilings of 'the false L'Estrange'.

'Upon the dissolution of the party', he says², 'I crossed the sea and then I found the main miscarriage of the business cast upon me'. A meddlesome interloper was the view taken of him and his services in Kent by the court of the Queen which was inclined to regard him as the man who had forced their hand before Holland had his London Cavaliers in a state of readiness, and before the Scots under Hamilton had given the signal for advance. Clarendon though bitterly opposed to the Lord Jermyn faction was scarce likely at first to take a more favourable view of the rash Cavalier, who having by inflammatory speech and manifesto helped the revolt into premature being, withdrew from it at the critical stage and carried with him—as was reported—the generalissimo of the local leaders.

It was in these circumstances that Roger betook himself

¹ Wordsworth was not alone in celebrating 'unconquered' Kent. See the poem already alluded to, *Halesiados*, the epic of the Kentish affair.

'Ye for an Impreze on your parcels set
That Kentishmen were never beaten yet'.

² *L'Estrange, His Apology*, June 1660

to a weapon which much better suited his genius than the sword.

The *Vindication to Kent* is, so far as we know, his second effort in this kind and the last sort of composition calculated to help the Royalist cause. Had he observed the silence which became him on the eve of the Restoration under similar provocation, his fortunes had perhaps stood higher with his party as a whole.

This pamphlet with its ambitious motto *Magna est veritas et prævalebit*, we have already partly used for the account of the Rising. In the preface he complains, 'I have been 6 months the patient subject of your (Kent's) injurious clamours and 6 eternities had been the same to me, would you but have bounded your intemperance within your proper circle, but to find my name brought upon a foreign stage, my infamy transplanted, pacquets stuffed with your invectives and scandals, and letters despatched express to that ignoble public. Your malice immortal too . . . to these indignities let me be pardoned if I render a sane accompt. I know you hate me as the living monument of your ingratitude, as the reproach of your inconstancy'.

The charges he had to rebut have been already noticed, viz., his defection after Maidstone and his invective manifestoes.

The *Vindication to Kent* seems to have achieved its object, and above all to have satisfied the Chancellor, to whom and with excellent results he presented a copy in Flanders. He seems now to have been a welcome inmate of Clarendon's house¹ and—if we can judge from a single letter and a phrase—employed during the tedious years of exile to keep alive the 'loyal flames' in the hearts of the exiles².

As to the general effect of the *Vindication* it is sufficiently clear from the fact that whilst in the next forty years he was compelled from time to time to return to the defence of his conduct at King's Lynn, Kent, but for occasional references, drops out altogether.

It is not so clear, however, that on the Continent the

¹ 'Under whose roof I have formerly received so many, many benefits'. Preface to *Memento* (1662), pt. i.

² *Clarendon State Papers*, ii., 212. Hyde to Mr L'Estrange in Germany, 'whatever reports you hear of our master's change of religion, you must be sure that nothing is more impossible and he will as readily die for it as his father did'.

Kentish scandal met with such a universal quietus. The ranks of the exiles were rent by division and jealousy, and the very fact that L'Estrange was welcome at Hyde's residence, coupled with the necessity of finding some scape-goat for the late fiasco, make it probable that the coldness with which he was regarded by a large party began here, and we may trace the cloud of suspicion which gathered round his head prior to the Restoration to the whisperings of this period.

With the main band of impoverished Cavaliers, Roger now drifted about the petty courts of Germany. Of his life at this period we know nothing further than that he appeared at the Court of the Cardinal van Hesse—hence a rich crop of later rumours—where his musical ability made him welcome. It was whispered at the Restoration and long after when the question of Protestant or 'popishly-affected' became the most vital, that it was here that L'Estrange turned Papist, a suspicion which he had the honour to share with his Royal master, but with even less justice. That as a member of the Cardinal's household he went regularly to Mass may be assumed from the fact that when charged at the time of Oates's Plot with being a Papist, he was careful to define the period within which he had not been to Mass, and that period began with the Restoration. That he actually became a Catholic is extremely improbable, not because he repudiates the charge, but because we have evidence of his sincere attachment to the afflicted Church of England.

At the same time these warm encomiums of the Catholics, which to his credit he uttered in times when it was perilous to do so, had their explanation in the hospitality he experienced in exile, no less than the friendly relations his family had long maintained with Catholic families of Norfolk.

With a view then of that wandering and probably profligate life of the Cavalier, which Mr Airy has so vividly described¹, we may leave this dubious chapter of Roger's life and proceed to those events which bounded the period of his exile.

The Expulsion of the Rump in 1653 whilst it may have exchanged one form of despotism for another was in itself

¹ Osmond Airy, *Charles II.*, a new edition (1904), p. 129.

a not unpopular act. It was especially grateful to the Cavaliers because of the hated exactions of that assembly and because Cromwell was well known to favour a more lenient policy, and even, it was hinted, was not unfavourable to the restoration of the monarchy—in which, however, Charles Stuart should not be king. He not only helped many a Loyalist to climb within the pale of the Act of Oblivion¹ (passed at his own desire) but even protected them from the spoliation which that Act still permitted. To see Cromwell first and then the Council of State, became the established road to England for many a distressed Cavalier. The Act left it doubtful whether their persons or estates would be imperilled, and the only course was to return and claim a pardon in the terms of the Act, at the same time submitting themselves to the Commonwealth.

The terms of the Act and the bad faith which had been kept by Parliament despite the protests of the army officers, reduced the matter almost to a surrender at discretion. The trial and acquittal however of Lilburne with the irritation, which the necessity for a public trial had caused the Council, rendered it very plain that, except in abnormal cases, a mild treatment was probable. To 'widen the basis of the Commonwealth' being Cromwell's policy, it is not surprising that London once more became an excellent covert for many Englishman who had not seen it since the days of Colchester and Preston.

We are not surprised then to find Roger L'Estrange wending his way back in August 1653. He had however more to fear than he supposed, for his case undoubtedly belonged to the category of exceptional malignancy. In Lilburne's case (in all other respects no parallel) an attempt had been made to destroy him on an old conviction².

It does not seem to have occurred to L'Estrange that he was still under sentence of death for the Lynn affair, a

¹ This Act introduced 3rd September 1651 and passed on the 24th February 1652 excepted out of its free pardon 'all and all manner of High Treasons (other than for words only) and all levyings of war, rebellions, insurrections and all conspiracies and confederacies . . . since the 30th Jan. 1648-9'. Scobel, *Acts and Ordinances*, p. 180.

² Gardiner, xi., 244. Lilburne returned to England 3rd May 1653, petitioned Cromwell and the Council, but was committed to Newgate 15th May, three weeks before Roger ventured home.

sentence in no way cancelled by the Act of Oblivion. When therefore on his notification to the Council of his arrival, Strickland informed him that he was excluded from the benefits of the Act, and hinted at a necessary 'change of mind' which the hero of Kent had no intention of pretending, we can understand Roger's wrathful rejoinder that in that case the Act was a mere decoy to tempt Cavaliers into the hands of Parliament¹. The summons to the Council on 7th September proved only the first of a prolonged attendance and surveillance which was peculiarly annoying at a time when the old Knight of Hunstanton lay on his deathbed. In this exigence Roger took the way to Cromwell who, after various disappointments, at last received him kindly at the Cockpit and on this occasion was able to do more for him than at Cambridge ten years before². L'Estrange we find by an entry in the Council books of the 31st October, was 'dismissed his further attendance upon the Council'³ and was thus enabled to go down to Norfolk to receive his father's blessing.

The occasion must have had even more than the melancholy natural to such a scene. For though the L'Estranges had lost no life to the Civil Wars, they had in another way been exposed to the worst exactions of the Parliamentary tax-collector, and Sir Hamon's last years had been embittered by a process which left him at the mercy of his personal enemies. It was changed days now when Col. Walton, Master Toll (with his injured wife to urge him on), and Master Percivall, were set up by order of the House to sequester his estate for damage committed by Parliamentary canon. We have already noted the indiscretion reported by the watchful Toll of entertaining the escaped Royalist prisoners in 1648, for which he paid

¹ This angry scene is characteristic of both men. The Cavalier putting himself about to go to Strickland 'the better to dispose him to my convenience' and the surly Secretary's demur. Whether Roger used the words 'I might have been as safe among the Turks upon the same terms,' or not, it is clear that the other was exceeding the Act when he talked of 'change of mind.' The conversation reported with Cromwell is also characteristic. 'He told me of the restlessness of our party, that rigour was not at all his inclination—(but) that he was but one man'. *Truth and Loyalty Vindicated*.

² As his prisoner on his way to the Guildhall Court-Martial, *Ibid.*, p. 49.

³ 'He giving in £2,000 security to appear when he shall be summoned and to act nothing prejudicial to the Commonwealth' the usual formula for taking which the Court scarcely blamed its adherents. 'I never took any of their Protestations Covenants, Oaths, or Engagements'. *Observer* (1884), ii., No. 80.

dearly¹. If he found some balm for these civil wounds in trouncing the pious Thoroughgood's *Jews in America*² who shall grudge him the pleasure?

To such a darkened house came Roger L'Estrange exactly ten years after his own attempt on Lynn, since when he had not seen his family. As he passed along the old road by Cambridge, many bitter thoughts must have crowded on his mind, memories which started with undergraduate dissension at Sidney Sussex, the muster of the Norfolk levies for the Bishops' War, his riding out to join the King's standard at Newark, his presence under Rupert at Edgehill. But Lynn and Kent must have held the chief place in these depressing recollections.

If he had turned aside to visit the old precincts at Cambridge, he must have been startled by the silence and gloom of the place, the new discipline, the interminable prayers, the lack of all liberal warmth³.

Turning aside from such possible reverie to the material side of the visit to which he was not blind⁴, we find that Roger's share of his father's estate, despite all the drains of the last ten years, must by his own confession (of forty years

¹ *MSS. of King's Lynn*. (H.M.C. App. vii. to 11th Rept. p. 103.) See also p. 10, chap. i. In the catalogue of Lords, Knights, etc., who have compounded for their estate 1655 (Wood 455) we find

Hamon L'Estrange, Upwell, Isle of Ely for	. . .	£105
Thos. Leoman of Arlesham, Norfolk	100
Clement Paston, Thorp, Norfolk	32 10

Sir Robert Paston (returned M.P. for Castlerising 1660) is also here. The Hamon L'Estrange here is the second son of Sir Hamon, the Col. Hamon of the *Clarendon State Papers*. It is difficult to understand Leoman's appearance in the list.

² See his *Americans no Jews*, London, 1652—often attributed to his son.

³ At the same time probably much better disciplined. What does the brave Vicars say? 'Heretofore—he refers to 1645—that old prelatial slander of the malignant enemies is already confuted who maliciously and falsely give out as if the Parliament were or would be haters and dismemberers of learning and parts, where as they ever aimed at the advancement thereof by a most necessary Reformation and clearing of the University from its old state, etc.'. But the 'slander' had a lengthy vogue. See Z. Grey's notes to *Hudibras*, 1744 edition. The ruffling of the Universities was one of the bribes thrown out to the Rye House Conspirators. L'Estrange has, himself (*Reformation Reformed*, pp. 28-32) drawn a black picture of their dealings with the seats of learning which has been rather overlooked. Quoting *Quereia Cantabrigiensis* he affirms that 'they made most colleges public tippling houses, strong beer and ale being sold as from common alehouses'. Wood has the same story for Oxford.

⁴ *Apology*, 'It concerned me both in point of comfort and interest to see my dying father' can only mean the poor Cavalier was looking to his portion. Nicholas got the main estates, Hamon got Upwell in Ely, and Roger's portion was in money. He had no aptitude to play the country squire.

later) have been considerable. For by it he was enabled in the six remaining years of the Commonwealth to live on a grander scale than ever before or after. Hence a crop of slanders which are sufficiently referred to by the nicknames 'Oliver's fiddler or pensioner, and Madam B.'s (Boltinglasse's) baseviol'.

The origin of the former title was the occasion of his repeated attempts to see Cromwell in connection with his discharge. If for such a purpose he bribed the secretaries and porters about the Protector and placated Thurloe, it is no objection to his honesty and loyalty. Oliver's calculated kindness when L'Estrange was at last admitted to him was publicly noised abroad, and there is no doubt that bating a decent appearance of detestation of that 'crafty tyrant', L'Estrange always spoke of him with some respect.

Of the life which followed his return from Hunstanton and continued to the death of the Protector we have nothing but hints, generally from a hostile source. That he lived in flourishing condition, was able to satisfy his love of music, and went rather freely among puritan companies we can see. 'He kept his coach too' and there are obscure but reiterated references to the contributions of Lady Boltinglasse¹ who in the event seems to have exposed him to the laughter of the town. The story of the pension is, of course, absurd but it provoked one picture of a Commonwealth party which is not without interest. Cromwell's love of music is well known and the name of L'Estrange at that period had become rather celebrated for his skill on the viol².

¹ Could it be the same Lady Boltinglasse 'a heap of flesh and brandy' who married Titus Oates in the King's Bench Prison, 1684? *Ailsbury Memoirs* (1890), ii., 144.

² As the biographer of L'Estrange will have little occasion to dwell on this softer and more social side of life, it may be desirable to notice his musical skill here. All his contemporaries who speak of him in this connection, do so with appreciation. This was the age of musical clubs before enterprising managers introduced hired music into the bill of fare. Of these clubs—by no means confined to the rich or cultivated—Roger North has given some lively descriptions in his *Memoirs of Musick*, pp. 123-7. See also Hawkins, *History of Music*, and Grove, *Dictionary*, ii., 239a. The most interesting episode in Roger's musical career was his recognition and encouragement—in concert with Dr Waldegrave and Under-Secretary Bridgeman—of the great Italian violinist, Nicola Matteis, whose visit to England in 1672 marks the decay of the French variety of music not, indeed, introduced by the King, but at any rate fostered by his band of string musicians. After this date newspaper advertisements begin to give evidence of the Italian conquest. Amid countless gibes at Roger's accomplish-

'Concerning the story of the fiddle', he says, 'this I suppose might be the rise of it; being in St James' Park, I heard an organ touched in a low room of one Mr Henckson; I went in and found a private company of some 5 or 6 persons. They desired me to take a viol and bear a part. I did so and that part too, not much advantage to the reputation of my cunning. Bye-and-bye, without the least colour of design or expectation, in comes Cromwell. He found us playing and as I remember, so he left us'¹.

These musical parties which were so greatly in vogue in this period and which endeavoured to form a substitute for the forbidden theatre, must have been one humanising element in a life singularly devoted to party.

The stories, told of course by enemies and long after the event, of amours, humiliating encounters with bullies and brawlers, may be ignored, but one charge which also long persisted and which he partly admitted must be noticed. It is well known and confessed with sorrow by Clarendon that the Cavaliers abroad had learned a dissipation very foreign to the days before the War. One of the earliest of the Restored King's Proclamations directed against the evil, gave great offence to a section of his devoted followers, an offence which L'Estrange, ever ready with his tongue, rather rudely voiced. When Bagshawe quoted and exaggerated his admissions of drunkenness and profanity, Roger feebly retorted that it was not for a minister of the gospel to reproach a penitent for former ill-deeds. This can only mean that in the Commonwealth L'Estrange did not 'shun the broad road and the green'.

The death of his mother (who was a co-heir of Dr Stubbs) in 1656 may have given him a slight access of fortune whereby to continue the riotous life which gave such a weapon to his opponents. The family at Hunstanton indeed suffered of late more by the hand of death than

ment—which alone he treated with dignified contempt—we may note even Baxter's wild sneer at his 'musical hand'. Ned Ward (*Satirical Reflections on Clubs*, 1709) referring to Britton, the small-coalman's concerts says: 'This Club was first begun, or at least confirmed, by Sir Roger L'Estrange, a very musical gentleman, and who had a tolerable perfection on the base-viol'.

¹ Elsewhere 'Truly my fiddle is a base-viol. Instead of my going to Oliver, he came to me. I do profess that I would have made no scruple on the earth to have given Cromwell a lesson for my liberty. But I affirm that I did it not however.' *Truth and Loyalty*, pp. 47 and 50. Boyer (*Queen Anne* (1722), p. 38) repeated the scandal which thereafter died out.

that of the sequestrator. Sir Nicholas, author of the *Anecdotes*, died at the early age of fifty-two, nine months before his mother, and his heir followed him at an even shorter interval¹.

These repeated bereavements are unnoticed by L'Estrange, who evinces throughout life a stoical indifference to domestic sorrow which his study of Seneca encouraged.

So long as Cromwell lived, there was little opportunity for change except by the hand of the assassin, and people began to wonder if even the Royalists themselves really desired a change. Though the Rising in the north and the conspiracies of Hewitt and Slingsby were regarded as the acts of the more desperate Cavaliers, many Cavaliers were induced to settle down to a moderate enjoyment of what seemed likely to prove a lengthy period, and they practised a sobriety which made their estates flourish².

'During the rule of Cromwell', says L'Estrange, excusing his own inactivity, 'there was small encouragement to form any design unless upon his person. For betwixt divers renegado Royalists and mercenary malcontents of his own party it was scarce possible to act without discovery; besides that he was quick and cruel (two great advantages over a slavish people). His death in 1658 opened the way most certainly to a change, but that which entered upon it in 1659 was of all others (I think) the least expected'³.

Roger has also devoted a chapter (vi.) of his *Memento*—the most thoughtful of all his works—to the character and policy of Cromwell, 'that glorious rebel' which shows some insight.

'Of strong natural parts I persuade myself he was though some think otherwise imputing all his advantages to corruption or Fortune (which will not be denied however to have concurred powerfully to his greatness). Nor do I pretend to collect his abilities from his words any more than the world could his meaning, save that the more entangled his discourses were I reckon them the more judicious because the

¹ Blomefield, x., 83.

² Oldmixon, i., 496. See in this connection Prof. Masson's list of authors living under the Protectorate (*Milton*, v., 75). Marchmont Nedham finds a place under 'adherants more or less cordial', while a peculiar offence has been committed on L'Estrange by tying him up with Baxter as 'subject by compulsion.' Otherwise he is in good company with Cowley, Denham, Parnell, Evelyn, etc.

³ *Memento* (1662), pt. i.

fitter for his business. His interest obliged him to a reserve, for he durst neither clearly own his thoughts nor totally disclaim them—the one way endangering his design and the other his person. So that the skill of his part lay in this—neither to be mistaken by his friends, nor understood by his enemies. By this middle course he gained time to remove obstructions and ripen occasions which to improve and follow was the peculiar talent of this monster.

‘To these enablements to mischief he had a will so prostitute and prone that to express him I must say, He was made up of craft and wickedness, and all his faculties nay all his passions were slaves to his ambitions.

‘After his death, according to the Instrument the Council is to choose a successor and whoever gapes to be the one is supposed to wish the other; which probably they had rather hasten than wait for; so that this miserable creature being pained betwixt the hazard of enlarging his power or having it thus dependant and the disdain of seeing it limited enters into a restless suspicion of his Council, and no way to be quieted but by depressing those that raised him’.

Of the first of the three parties Cromwell had to fear, viz., the Royalists, the Presbyterians, and Republicans, our author says, ‘Touching the Royalists, no good for him was to be hoped for there, but by gaols, exile, selling them for slaves, famishings or murder; all which was abundantly provided for by sequestrations, pretended plots, High Courts of Justice, spies, decoys, etc. Nay (for the very despatch sake) when they should resolve upon the massacre (which beyond doubt they meant us) no cavalier must be allowed so much as the least piece of defensive arms by an order of Nov. 24, 1655, no person suffered to keep in his house as chaplain or schoolmaster any sequestered or ejected minister, fellow of a college, etc.

‘This was the only party the rebels feared and ruined; but for the Presbyterians, they knew they’d never join to help the King, and single they were inconsiderable’.

His ‘cherishing the army’, keeping the nation in an eternal ferment against the Royalists, setting one party against another and betraying both by a splendid system of espionage—all these ‘methods’ are duly discussed. As for his ruling principle, ‘The Kingship was the lodestar of all his labours’. Private affections he scarcely knew.

'Tis rumoured that his daughter Claypole in the agonies of his death-sickness rang him a peal that troubled him. Whether 't were so or no 'tis past dispute, his grand distress was for the loss of that which he hoped to gain, and made the most horrid of his sins seem solaces and pleasures'.

With Cromwell's death¹ the new scene opened 'at night with bonfires, with all the clamour, bustle, confusion, that commonly attends these vulgar jollities. The soldiers took the alarm, and in my hearing threatened divers for daring to express their joy so unseasonably; but they came off with telling them that they were glad they had got a new Protector, not that they had lost the old. In truth', adds our loyal historian, 'the new Protector was looked upon as a person more inclinable to do good than capable to do mischief and the exchange welcome to all that loved his Majesty', and so he sums up the character of the son with a very modern estimate.

The accession of Richard indeed opened up a chapter of weakness and confusion in which the veriest novice at intrigue or revolt could bear a hand. The part which was safest to the Cavalier was rather by way of petition and secret manifesto, and a liberal use of the Press than of Parliamentary action or open revolt. These they wisely left to the party so scorned by L'Estrange, the Presbyterians. It is an interesting reflection that the great tyrant of the Restoration Press first entered the politico-literary arena in the character of a seditious libeller, and played this at first dangerous part with insistence and skill. But indeed the Press in the seventeenth and even eighteenth century was little more than a party weapon and the term, 'seditious libel' connotes little more of sedition than a leader in an opposition journal of to-day.

Professor Masson has told the story of this Hundred Days² on its literary side with much information. But so far as L'Estrange is concerned there are of course gaps in the story, and as his action was of some importance in the general movement, it is necessary to describe here

¹ On the question whether Oliver's decease was solely responsible for the ruin of the Commonwealth, L'Estrange was decidedly of the contrary opinion. See *Memento*, chap. viii., p. 49. 'It still seems to me that before Oliver died the Cause was bedrid, hectic and past recovery'.

² 'That bloody crisis,' L'Estrange calls it twenty years after. *Discovery upon Discovery*, addressed to T. Oates, 1680. Masson, *Life of Milton*, v. 643-703.

what he actually did. He himself has provided us with a chronology of the Interregnum which for brevity and quaintness it would be difficult to surpass :

Sept. 1658. to Apr. 1659.	{ In September Oliver dies, and then they are Richard's Army, whose puisne Highness must have his Parliament too. They meet and notwithstanding a huge pack of officers and lawyers, the vote proved utterly Republican, and friend neither to single person nor Army.
Apr. 22nd to May 9th.	{ Now Richard takes his turn, but first down goes his Parliament (Apr. 22) and for a while, the Army officers undertake the Government.
May 9th to Mar. 16th.	{ Some ten days later up with the Rump again and then they're Lenthal's Army, which in October 1659 throws out the Rump and now they're Fleetwood's army. Enter the Rump once more in December, and once the army comes about again. The Rump's next exit is for ever, March 11th, 1660.

'Behold the staff of the Rebellion, both the support and punishment of it—a standing army'¹.

Whatever may have been the character of the various risings since 1648 and of the premature action of the band of Royalists known as the Sealed or Select knot, in Richard's Protectorate, there is no doubt that with the advent of the Rump in May 1659, the responsible leaders abroad began to think that the period of masterly silence and mere plotting was over, and that the hour for action had arrived, if they were not to lose the opportunity of confusion, and the gathering of Loyalist sentiment. Every fresh failure of the Commonwealth to establish itself meant large accessions to their cause, even from the most avowed Republicans. The despairing Cromwellians or Court-party, it soon appeared, were more attached to single-person rule than to the cause which the last single-person had espoused. General disillusionment was throwing large masses of opinion into the Royalist scale, and London especially was honey-combed with sedition, in part due to the patient labour of the secret loyal clubs since the rise of the Protector. Of the very extended nature of the Rising which has become identified with the name of Sir George Booth, it is unnecessary to say anything here further than that it was

¹ *Memento* (1662), pt. i.

common complaint of its organisers, that the old Cavaliers were far too chary of taking any part in it, because of former miscarriages, and that though the risings were designed to take place in those parts where the King's party was strongest, it was rather the Presbyterian than the Cavalier interest to which they appealed¹.

The jealousy of new leaders and former enemies seems to have deterred many of the old party from joining, while if Clarendon's picture of their demoralisation by debauch and sequestration is exaggerated, there is no doubt a certain cogency in the post-Restoration claim of the Presbyterians to some gratitude on the part of the Government, and since no man was better informed of this than Clarendon, we can see how he was likely to look unfavourably on the extreme and indiscreet demands of the old Cavaliers². A great weariness had come over the Cavalier party, and whilst they were rescued from utter dejection by Cromwell's 'infatuation' in not assuming the crown and better still by his death, the

¹ Evelyn's *Apology for the Royal Party*, 1659. 4th November 1659, E. 763 (11) 'Twas wholly managed by some of their own (i.e. the Presbyterians) party, whom the Rump had disoblged'. The Cheshire Rout sounded for the last time the depths of Presbyterian Royalist suspicions. It was truly the result of a 'universal hatred and disdain of their (Parliament's) proceedings, but what by treachery, delays, babbling, disappointments, and scruples of taking in the Royal Party (by those that never meant his Majesty or his friends should be the better for 't) the whole was dashed'. *Memento*, pt. i. The proposal to bring over the King before any port had been secured gave point to these suspicions. Yet L'Estrange was not quite idle. He issued a paper for the occasion calling in the men of London to demand a Free Parliament. See *Vernoy Memoirs*, ii., 450-1. 'The only thing that looks like countenancing Sir George is the intended petition of the City for a Free Parliament, as they say. I do not hear of any one Cavalier in all this affair, but that it is wholly on the Presbytery and those that fought and engaged for what they call the good old Cause.' See also Prof. Firth's *Ludlow's Memoirs*, ii., 104 *et seq.* and Clarendon (*Continuation of Life* (1761), ii., 35).

² For the classic dispute between Eachard and Oldmixon as to the claims of the Presbyterians see i., 486-91 of the latter's *History*. Baxter—says Oldmixon—naturally claimed the conspiracy for which Love died, and the Booth Rising as Presbytery's contribution towards the Restoration, 'all the stir the royalists could make was by spiriting up mobs and mutineers in the City and Camp'. p. 304. By their mean work and false pretences they goad the Londoners on with talk of taxes and liberties, etc., p. 449. 'We are now (March 1660, p. 448) come within a few weeks of the Restoration and we have not a word of the Cavaliers unless from those whom Dr Davenant calls *Under-spurleathers*. Even in the Prentice meeting of Feb. 1660 (when Monk was called into the City) there is not the name of one Royalist of note'. In a word 'they contributed little or nothing to bringing in the King'.

Another touch at L'Estrange who is included under the title *Under-spurleather* is given when the Whig Historian takes Eachard to task for omitting 'the immortal Milton and the very witty Marvell' from his list of Restoration wits. 'As to Davenant and L'Estrange refining and improving our tongue he showed his knowledge in language to be as imperfect as his History', p. 491. See Eachard, *Hist. of Eng.* (1720), ii., 846.

treacheries which are associated with the names of Sir Richard Willis and the wretched Francis Corker, and from which L'Estrange did not escape, coupled with the jealousies between the old experienced intriguers and the younger and less wary school, produced between the state of helplessness reflected—to choose one out of many tracts—in L'Estrange's own *Appeal in the Case of the Late King's Party*¹.

But if fewer Cavaliers assisted in this adventure which had the full privity and approval of Charles and the Chancellor, the party was by no means deterred from other action of the meaner sort indicated by Oldmixon—that is by embroiling the City on the subject of taxation, and by a liberal use of the Press. The ever-ready L'Estrange took advantage of Lambert's withdrawal on 6th August 1659 from London, to set forth the first of a daring series of manifestoes². The City was left naked of troops and Roger appealed not indeed for a Restoration, but for what all men knew to carry Restoration with it—a full and free Parliament. Nothing shows more clearly the very small part which the old Cavaliers took in the approaching confusion and the hesitancy to which they were reduced, than the absence almost up to the last of any but covert appeals for the return of Charles. Far bolder but less prudent demands in this direction were made by their old enemies, the Presbyterians.

The repression which followed Lambert's triumph has been made much of by Clarendon, but if we follow the fortunes of the fallen leaders, we are rather surprised by the leniency of the Government—a mark of weakness of course in this instance. If Royalist designs were at all interfered with, the interference was momentary, and that facility of communication and propaganda noted by Clarendon as having been introduced on the death of Cromwell, very quickly re-asserted itself³.

¹ Not generally ascribed to L'Estrange, but the British Museum authorities are almost certainly right here. See Prof. Firth's *Last Years of the Protectorate*, i., 206, and ii., 69.

² *The Declaration of the City to the Men at Westminster*. Not in the Thomason Collection. There is also (Bodl., Wood, 567 (46)) a *Remonstrance and Protestation of the well-affected People of London, Westminster, and other Cities, etc.*, 16 folio pages, with a list of the Parliament men to whom it was to be sent, dated 16th November 1659. It looks very like L'Estrange's work.

³ Eachard (ii., 849) has various reflections on the conduct of 'this generous undertaking', which though seemingly fatal to Royalist hopes 'proved a mighty step towards the Restoration'.

The ruin of the Royalist hopes, for the moment, carried with it also the exaltation of the army and the fall (also momentary) of the Rump, which was expelled by the victorious General on 13th October. Now came the two or three months of chaos which gave an opportunity for the most extraordinary clash of opinions, speculations, and theories of government which has ever convulsed the English nation. The Press was free not by statute, but by the inability of any one to rein it in. Every morning the hawkers and mercuries of London yelled out news of some new scheme of government founded on Greek, Roman, or Mosaic tradition, news of the latest absurdity of the Rota Club, or the Club at the Bow, while pamphlets, declarations, and manifestoes from Harrington, Milton, L'Estrange, and Prynne, and sermons by Royalist and Presbyterian divines deafened the Metropolis¹.

The critical moment—if any moment of such a confusion could be called critical—came with that tacit union of old Rump officials with the Wallingford Council at Whitehall, which demonstrated the futility and error of Lambert's action on 13th October, and clearly pointed to the return of the Rump. It was then that the action of the City became important. By the Proclamation of 14th December calling for a Parliament to meet in January², not a 'full and free Parliament', but fettered by all the Loyalist restrictions of Cromwell's Parliaments, the Royal party and the City—the terms are almost synonymous now—saw that if this Parliament met, all hopes of relief must be relinquished. The order for an assessment of £100,000 per month brought matters to a crisis. Eight days previous to the Proclamation referred to, L'Estrange had the hardihood to issue what he called *A Free Parliament, proposed by the City to the Nation*³, this on the very day that 'Hewson's mirmydons' were riding down the London prentices, and Whitlocke's draft constitution which embodied the views of the Commonwealth

¹ Lesley, *View of the Times* (a collected volume of a paper called the *Observer Rehearsal*, which began in 1794 to stem the tide of atheism and particularly directed against Defoe's *Review*, modelled itself on L'Estrange's old *Observer*) remarks in its 36th number, that Thurloe told Clarendon after the Restoration that 'though they were possessed of the People, the Power, and the Army, yet they lost all in a moment. The chief cause of which he attributed to the books and papers wrote by the Cavaliers which, though fewer in number than those on the other side, yet were far superior in strength of reason'.

² 669 f. 11 (24) Bod.

³ Dated 3rd January in Thomason Collection, 669 f. 22 (56).

lawyers and Savoy clergy was submitted to the Army Council at Whitehall. The constitution granted no wide toleration; it maintained the present Church establishment out of the tithes, and it saddled the country with single-chamber legislation and rule. How intensely disappointing it was to the nation may be seen from the fact that it was equally distasteful to Milton (because of the establishment out of the tithes and perhaps because of the measure of popular election it gave) and to L'Estrange for whom—and his party generally—nothing but a full popular election could at that moment bring about a complete abrogation of popular government, which they desired in the form of the Restoration.

Meanwhile in the manifesto of 12th December¹, Roger had seized, probably with an eye to Monk, news of whose arrival at Coldstream had just come out, on those elements which were most embarrassing to the Government—the defection of Hazelrig and Morley at Portsmouth. Particularly he set himself to fan the disorder and resentment of Hewson's rough handling of the petitioners which had appeared the day before in the City. For the only time in his life, L'Estrange could think of the London rabble with approbation. That passage in Clarendon² which recalls a similar passage in Tacitus, where the Chancellor relates and deplores the anarchy of the City 'when father and son engaged themselves in the contrary parties—and the blood of the master was frequently the price of the servants' villany', indicates the kind of muddy waters which L'Estrange had now to stir up in haranguing the apprentices into revolt. 'The City is grown so impatient of the soldiers that it is feared they will suddenly break out into an open violence upon them; they have already entered into a solemn engagement to that purpose'. So reads the preamble to the document of the 16th December³, and the engagement is of rather a startling nature. Nothing less than the setting

¹ *Engagement and Remonstrance of London*, subscribed by 23,500 hands, 12th December, 669 f. 22 (18).

² *Continuation*, ii., 39.

³ *Final Protest and Sorrow of the City*, 16th December, 669 f. 22 (26). 'This sheet gave great offence to the saints, particularly to Tichborne.' (*Apology*). On 20th December appeared a declaration by the Common Council vindicating the Lord Mayor and others from certain scandalous aspersions contained in a pamphlet entitled *The Final Protest*, etc., 669 f. 22 (32). A Proclamation of the Council (16th December, 669 f. 22 (25)) banishing Cavaliers from London was the 'sting'.

up of an opposition Parliament to that about to be proposed by the Council at Whitehall.

'The City of London hath constituted 4 commissioners to treat respectively with the rest of the people of England on behalf of their invaded rights and in such manner to proceed as to the same commissioners shall appear most convenient. Choose out of every county two persons of known integrity that may be still among us to preserve a fair intelligence with us. No longer since than yesterday the Conservators of our Liberties, Hewson and his myrmydons put an affront upon us—the very mention of a Free Parliament enrages them and there is a reason for it. Their heads are forfeited, and if the Law lives, they must perish'¹.

As an effect of the city tumults, the Common Council whence had emanated the proposals for a Free Parliament and the refusal to pay the great tax, was forcibly dissolved. As December wore on, and it became more clear that the Wallingford Council had forgotten Monk, and that 'old silent George' was preparing for his January descent from Coldstream, the impending ruin of the chaotic Government appeared certain, and a corresponding contempt for its soldiers and agents was displayed in the City, where Hewson's regiments were pelted with mud by the rabble to which L'Estrange and others so fervently addressed themselves. Fleetwood's government of the City lacked all firmness. The secret of his hesitancy was his desire to stand well with the party of the Restoration to which Whitlocke entreated him to give ear ere it was too late.

Two days after the Proclamation of the 14th December, for a restricted Parliament to meet in January, L'Estrange took upon himself to issue *The Final Protest and Sense of the City*, in which he adopted a freedom of language in speaking of the Government, and discovered such a contempt of the Savoy ministerial clique, that Tichborne earnestly sought out the author and severely abused the hawkers of the inflammatory piece. The daring journalist had also singled out the Lord Mayor, a true trimmer, who had bade the Town be quiet till the new Parliament met².

A week later, undeterred by Tichborne's menaces, Roger

¹ Twenty years later his enemies would use the same menace to him, *we shall have a Parliament*'. See chap. viii. 250.

² He found it difficult afterwards to defend his 'trimming' attitude. See the *Vindication of the Lord Mayor and Aldermen*, 30th April 1660, E. 1023 (2).

issued (23rd December) a still more audacious *Resolve of the City*¹, in which he urged that no taxes should be paid till liberty (or the crown) was restored.

The Rump was restored on the following day (24th December) amid short-lived huzzas. The four days preceding had been days of unprecedented gloom in the City. Though the Restoration was so near the Cavaliers could do little more than work secretly among the apprentices and mob. They had been so easily and signally crushed in the late rising and were so alive to internal treachery and distrust that it was highly unlikely that they would again take to arms. A large number had accepted what they regarded as the inevitable, and in any case to most men the present trouble and confusion transcended in importance even the thought of Restoration. Among all men, therefore, whatever vain hopes they nourished in connection with Charles, there was a real sense of their country's wounds and a strong yearning for some form of stable government².

Whatever efforts therefore emanated at this time from the loyal party, care was taken to observe a discreet reticence on the subject of the Restoration, for they had now become convinced that of their own effort they could do nothing, and that they must work through the sane body of moderate opinion which was not yet prepared to shout for Charles.

In such a position the close of the year found parties, and here it may be fitting to notice briefly what other writers were doing for their respective sides.

Evelyn, Stubbe, Howell, Prynne, and L'Estrange are the chief champions on the side of the Restoration. They were shortly (towards the end of December 1659) reinforced powerfully by the journalists Henry Muddiman and Giles

¹ *The Resolve*, etc. (protesting against the terms of the Agreement of the Gen. Council of Officers, 22nd December), 669. f. 22 (32).

² Evidence of this weariness on the part of the Cavaliers is found in the pamphlets of Evelyn (*Apology for the Royal Party*, 4th November 1659, E. 763 (ii). Stubbe, *Commonwealth put in the Balance*, but best of all in L'Estrange's *Appeal in the Case of the Late King's Party*, January 1660, addressed to 'The Present Declared Supreme Magistrate of the Nation between whom and that royal person it is now apparent the only contest for the helmship and steerage of the present government is now probably like to lie, in the very hinting whereof methinks my pen drops blood.' The deprecatory tone of the tract, 'the motives to the writing which were the high displeasure and indignation which hath so long continued against that loyal party (amongst which number I confess myself one)', proves too sadly that as a result of the Booth and other failures 'the Cavalier party began to despair and to give their cause for lost unless by division amongst themselves they should render their victories useless, which fell out sooner than they expected'. *Memento* (1662), pt. i.

Durie. Evelyn and Howell contented themselves with defending the Royalist party and repudiating the rumours of the King's apostasy. Stubbe, with his speculative mind entered the welter of debate on the Ideal Constitution which is associated with Harrington's Rota Club. On the indefatigable Mr Prynne, Prof. Masson has bestowed the compliment that he more than any other man 'had created the feeling that prevailed', which may have been true, but that London was 'tormented or delighted' by his heavy writings is incredible to a degenerate age. He had come into high honour with the Cavalier party—a party which in these years found it difficult to welcome any who had been the part cause of their troubles—and even L'Estrange calls him 'The Honour of his Age'.

From the moment of the first restoration of the Rump, Prynne set himself to secure the return of the secluded members, and his already formidable list of pamphlets was extended by numerous true narratives, etc., addressed to Monk and every one else to show the obduracy of the Rump to his pet scheme, which was in the event adopted by the General and consented to on 11th January by the Rump under compulsion².

Milton had scarcely more than entered the fray. He was indeed paralysed by his dubious attitude to the other parties, nor does it seem to have entered his mind yet that the decisive struggle between the Commonwealth and the Restoration was so near at hand. So late as August, when the Cheshire Rising was the subject of the hour, he was possessed by one idea, a complete Toleration following the Disestablishment of Religion, a cause for which, despite his praise, the Rump was scarce likely to offend the Savoy party. It was not till Lambert laid rude hands on the Rump in October that he was aroused from his dream to a general

¹ A *Seasonable Word*, February 1659 (See the *Apology*). Still more complimentary, Roger did not include him in the *personae damnatae* of *Dissenters Sayings*, where the other patriarchs of sedition, Burton and Bastwicke, have a high place. The very 'Mr' invariably affixed to his name is significant; Baxter never honoured L'Estrange with the title 'Mr', which Roger resented. See also *England's Confusion*, 1659 (Somer's *Tracts*, vi., 560.) 'His (Prynne's) learned, and seasonable writings praise him in the gates', says the loyal writer. Hallam, *Cons. Hist. of Eng.* (1879), p. 488, 'Prynne was the first who had the boldness to speak for the King'. See Carte's *Letters*, ii., 312. Also Prynne's *Legal Vindication of the Liberties of England* (E. 772 (4)), and *Short Legal Prescription* (Somer's *Tracts*, vi., 533).

² A not exhaustive list of Prynne's activities in these months is given by Prof. Masson (*Milton*, v., 531).

alarm for the Commonwealth, and then he wrote his *Letter on the Ruptures of the Commonwealth*, in which he proposed his own impossible Republican Aristocracy, which partly reproduced the ideas of Harrington's *Rota*.

In the four critical days preceding the Restoration of the Rump, he lay inert and despairing, knowing as all men did now that the decision lay rather at Coldstream than Whitehall. The restored Rump he approved, but its watered-down Republicanism and its views on the Establishment he regarded as a betrayal.

The General had been greeted on his journey south at his several halting-places by numerous protests and petitions, a large number purporting to give the state of opinion in the provinces, which now seemed for the first time in twenty years to spring into an importance which eclipsed the noisy Capital.

He had received on the 9th January, when his army was somewhere between Newcastle and York, Harrington's *Rota, or Model of a Free Commonwealth*, and probably at the same time in his London budget a pretentious *Address to the Commissioners of the City of London for the Rights and Liberties of the English Nation*¹, which purported to be the demands of the Counties and their advice to the City in its dilemma. It vehemently urged that no more petitions to the Rump should come from the City, that no taxes should be paid, and demanded an absolutely Free Parliament. But the document had no provincial authority, for it was penned by Roger L'Estrange in London.

There was still some danger in demanding a Free Parliament, and Roger was quite right in claiming afterwards that he took his liberty, if not his life, in his hands, when he set forth even these guarded manifestoes². But in regard to the anonymous *Appeal in the Case of the late King's Party* already alluded to—which belongs to this month, and finds no place in the list of his services which his *Apology* furnishes, and on that account is seldom quoted as his—there is a suspicion that he wished to stand well with the party in power.

In Bristol Richard Ellsworth urged the prentices to appeal to the Mayor to associate with adjacent counties, and

¹ Dated 3rd January (*Apology*, 8, 1660).

² He was generous enough afterwards to share the credit of the danger with his publisher, HARRY BROME. See *Discovery upon Discovery*, 1680.

with the Lord Mayor and Council of London, and in January further urged the prentice-mob to rise against the Rump, the design to be communicated by the Press¹.

Responsible people, however, like the Recorder of Exeter, were careful to use language which would promote an intermediate state of things leading up to the 'larger policy'.

This petition of Bampfield's drew some attention both from the Rump and from Monk, perhaps because it was known to emanate from a country which was burning with discontent and arming.

It reached Monk at Leicester, communicated probably by the Speaker, to whom it was addressed. On 23rd January the Rump made a 'fawning' reply to it. The same day at Leicester the General sent a cautious letter to Mr Rolle 'to be communicated to the gentry of Devonshire in answer to Mr Bampfield's Petition'. This letter was read in Parliament, and a more astute document it would be impossible to imagine².

Although the Devonshire Petition was of the crypto-Royalist type and cautiously veiled its true design, L'Estrange as the self-constituted journalist of the Party attacked those parts of it that seemed to exclude the Kingship, and in answer to Monk's still more non-committal, if not adverse letter to Rolle, there appeared what is really an admirable tract long attributed to L'Estrange, the *Plea for Limited Monarchy*³.

The four reasons dubiously alleged against a Restoration by Bampfield and Monk are noteworthy as affording the author of this pamphlet an opportunity for acting the *laudator temporis acti* of Merry England before the Civil confusion.

These were:—

- (1) The major part of the nation is admitted to be inclined to Monarchy, but 'those that have swallowed crown lands are against'.
- (2) A Republic alone can sort out the entangled interests of the nation⁴.
- (3) The army is against.
- (4) It would beget a new war.

¹ See a Letter from the Prentices of Bristol to those of London, 9th February.

² 'It seems plain,' says Hallam (*Cons. Hist.*, p. 499), 'that if he (Monk) had delayed a very little longer, he would have lost the whole credit of the Restoration', p. 489. 'The professional hypocrites were deceived. Cromwell was a mere bungler to him'. Monk to Rolle, 22nd January, E. 1013 (20).

³ E. 755 (3). Included in Somer's *Treats*, vol. vi.; see note p. 57. Pepys, i., 63.

⁴ This public expression of the opinion that a Republic is best fitted for a trading community is noteworthy and will recur.

Such reasoning offered ample scope for the author of the *Plea*. It is difficult to find whether L'Estrange had even the scant authority which enabled him to set forth his Kentish manifestoes when he now addressed to his Excellency Gen. Monk, a letter 'from the Gentlemen of Devon'¹, in which he represented the intolerable grievances and distractions of the country and attacked the four positions noted above.

His daring on this occasion was recorded in the events of the following critical week. The Council had taken notice at last of the Royalist papers which fluttered about city and country. On 2nd February, two days before Monk entered London, the Lord Mayor was reminded of the Press Act of September 1649 by which it was enacted 'that no hawkers and dispersers of scandalous books and papers shall be permitted', and was required to proceed against them. Many people had deserted their more laborious callings to run round the streets with a budget of the latest attacks on the Rump. A week later, letters were sent out by the Council to all the garrisons to the effect 'that many persons groundlessly and falsely interpret that (Gen. Monk) has declared and is resolved for a full and free Parliament'. This on 12th February when 'from the apprehensions raised thereby the streets of the city were filled with bonfires, tumults, and limitless acclamations of joy'². Secretary Thomas Scot was admonished to look after the Press, and Tichborne grew alarmed³.

But even before Monk entered the city the Royalist and anti-Republican faction had laboured to prepare the minds of citizens so that he could have no doubt of their wishes. The long abused soldiery were incited to mutiny for arrears, a cause that gave them an occasion to fraternise with the City, which had so recently loaded them with curses. They were invited, not yet successfully, by the intrepid L'Estrange to join hands with the prentices and others who were united by an engagement for a full and free Parliament.

¹ 669 f. 23 (23). *C.S.P.D.* (1659-60), p. 330, 28th January 1660. Under same date petitions to the same effect from Norwich and Suffolk.

² *Apology*, 1660. For a note on the prentices of this period see Prof. Firth's *Last Years of the Protectorate*, (ii., 73). Many of these youths (according to Mercurius Rusticus) were sons of Cavaliers.

³ *C.S.P.D.* (1659-60), pp. 343-4. Council of State to the Lord Mayor, and to the Master and Warden of the Stationers' Coy., 2nd February 1660.

The night of Thursday, 2nd February witnessed an organised riot of the latter, in an attempt which showed the agony of fear and distrust which Monk's policy of silence had produced in the City. The object of the revolvers and their Cavalier directors (L'Estrange foremost among them) was to seize the city against Monk's entry, and had they gained over the mutinous soldiers to whom Roger addressed himself, the course of history might have run differently.

'Late at night', says our author¹, 'the apprentices drew into a party in the city and were scattered by the Army Horse, whereas had they rather drawn down into the Strand and joined themselves with those in Somerset House, it was believed by sober persons, that they might have carried it. About one in the morning, the revolted party was false-alarmed, and persuaded out of their security upon pretence that if they were not instantly posted to hinder Monk's advance into the Town, they would have all their throats cut in their quarters'.

This device succeeded, the rioters evacuated their quarters and left the City quiet, and in a condition which Roger ungenerously but in courtier wise calls 'honester guests'.

The following (Friday) afternoon Monk marched in, and if he had time or inclination, he might have perused 'another bolt' from the unwearying Loyalist, to the effect that he (Monk) was far too wise to regard the events of the previous night as (what indeed they were) a menace to his entry.

On Saturday (4th February) the Rump used its momentary triumph to adopt a measure which would have terminated all Loyalist hopes. This Act raised the Rump to 400 members on the electoral basis of 1653. It was followed by a flood of petitions from Oxford, York, Lynn, etc., for a full and free Parliament—demands which were answered by the letter of State to the garrisons, referred to above.

But on the 7th a critical measure reviving the December tax of £100,000 was passed, which gave the signal for a final rally of all anti-Rump forces² not only in the City, but throughout the country. The chief centres of extra-urban agitation were Devon and Norfolk. Warwick sent

¹ *Apology*, 1660.

² See a letter 24th February 1658, H. Cromwell to Thurloe (*Thurloe State Papers*, vi., 821), quoted by Prof. Firth, *Last Years of the Protectorate*, ii., 271. 'Errors in raising money are the compendious ways to cause a general discontentment'.

its resolve to resist the tax. On Wednesday the Common Council of London resolved against the order¹, for which on the 9th the Rump ordered the arrest of the more prominent objectors, 'half a score of their citizens', says L'Estrange, 'chiefly merchants'.

On the 7th also—the day of the order—Secretary Scott was enjoined to look strictly after the Press. Whilst Monk was pursuing his odious task of subduing the rebellious city (8th-10th February) news was received from the commander-in-chief in Norfolk of dangerous meetings of the disaffected in Lynn, while from Exeter came tidings of a great dispersal of arms among the Royal party.

In the flush of Monk's success, which they counted to themselves, the Rump Council adopted the extreme measure of ordering the discontinuance of the refractory Common Council, and whilst commending the discreet Lord Mayor, prescribed an Abjuration Oath for the next election.

An attack on City liberties was almost fatal to Charles II. in his greatest moment of power, it was now fatal to the Rump. It threw Monk into the arms of the citizens and thus determined the issue of the protracted struggle; it was only a matter of how long and by what steps to the Restoration.

The 9th and 10th days of this memorable month saw Monk carrying out the Rump's destructive work in the City. The 11th saw him tender something like an apology to the City Fathers, and clearly cut himself adrift from the Rump. A week of portentous anxiety followed in which the struggle was transferred to the Common Council, which had defied the order of State. On the motion for raising the City Militia, the Republicans fought stoutly to delay the measure by talking it out. The scene of conference was the house of alderman Wales, where representatives of the Rump met those of the Common Council, and the General, in a vain endeavour to patch up a peace which only one side sincerely desired.

The tables were now turned, and Scot's orders to suppress Royalist literature already appeared futile. Nevertheless we can admire the desperate efforts of the Republican faction to cling to power. First they opposed the Militia and then, that summoned, they endeavoured to secure the officers. 'The Commonwealthmen, they're

¹ Resolved to adhere to a former vote of the Court in the negative.

abirding too, and tell their little tale of Rome and Venice'. From the country came news of flying bodies of Republican troops and the Presses disgorged a load of vehement anti-Restoration literature.

On the 18th February—three days before Monk marched down to the House to reinstate the Presbyterian majority¹—L'Estrange published *A Word in Season* addressed to Monk and the City, in which he had the good sense to do little more than abuse the Rump².

The return of the secluded members somewhat disconcerted one celebrated tract from the hand of Milton, necessitating thereby a prefatory word of explanation. The *Readie and Easie Way*, etc., does not awaken memories of splendid rhetoric as does the *Arcopagitica*, but it is the best of Milton's pre-Restoration tracts. It is written hurriedly and in obvious agitation, though laid aside during the revolution in the City. With the settlement forced by Monk, it undertook its unpopular passage into the public mind, and for ever remains one of Milton's claims to a noble courage³.

For by this time the danger of publication had been transferred from the side which L'Estrange and Prynne—strange bed-fellows—espoused, and except for Milton, the Republic was now anonymous.

It is an ungrateful task to record here L'Estrange's first offence 'against the canons of good taste' in his attack on Milton. It is possible to regard the poet in the light of a posterior sacrosanctity which his name did not then enjoy. At any rate the gibes of Roger's *Seasonable Word* published towards the end of the month (February) sins far less in

¹ See *A Full Declaration of the True State of the Secluded Members Case* which (p. 55) gives a list of the excluded. 30th January, E. 1013 (22).

² Printed at The Hague, 669 f. 23 (52). The date of the *Plat* for *Limited Monarchy* is given in the *Thomson Catalogue* as 20th February. Is it likely L'Estrange would have forgotten such an excellent contribution when he summed up his services in his *Apology*? Despite the tribute that this tract 'without the heat of party or faction conveys to us a desirable representation of true English liberty only to be supported by Monarchy', we must conclude against Oldys's attribution of it to L'Estrange (Somer's *Tracts*, vol. vi.). It is not in his style nor by his printer. The same reason is not valid against the *Appeal in the Case of the late King's Party* (that is, that L'Estrange does not claim it) because its moderation on certain points would not increase its author's credit with the Restored Government. An echo to the *Plat* by the same author, 17th July, E. 765 (4), puts the matter beyond doubt.

³ With the Restoration stream running so high, it required courage to say that 'Christ himself had put the brand of Gentilism upon Kingship'. Yet not one of Milton's pamphlets had a larger circulation or provoked a more rapid fury of criticism. Masson, *Milton*, iii., 657.

this respect than the two later pamphlets *The Character of the Rump* (17th March) and the famous Royalist squib of 30th March, *The Censure of the Rota*¹.

There was one unhappy phrase of Milton's pamphlet on which any fool could fasten, where he adjures the Rump (the author had allowed the passage referring to the state of things before Monk's resolution to stand) 'to quit that fond opinion of successive Parliament', and to 'perpetuate themselves under the name of a Grand or General Council'. How Milton came to approve such aristocratic Republicanism is a difficult question for even such an apologist as Masson, but certainly it was the cause of endless jeering by the Philistines. How to make peace between Milton and Harrington's *Rota* became the pet jest of the town, now when the omens of victory turned London to a 'hysteria of jesting'. It was as useless for Milton to explain (second edition of the *Readie and Easie Way*) that he would concede the principle of the *Rota* for the sake of the weaker brethren, as to deny that the majority of the people desired the monarchy. He voiced the once heroic minority which by right of conquest had assumed the right to rule.

'I could only wish,' says L'Estrange in a civil sneer 'his Excellency (Monk) had been a little civiler to Mr Milton! for just as he had finished his model of a Commonwealth Directory in these very terms of the choice:—"men not addicted to a single person or House of Lords", and the work is done, in come the secluded members and spoil his project'.

There were two questions which demanded the attention of the Restored Parliament. The first was settled the day after the return of the secluded (22nd February) by an order for a new Parliament to meet on the 25th April, but not so speedily was the matter of the electoral restrictions settled. The other matter consumed the second half of members' time, and aroused much greater dissension. The irrelevant discussions on the power of the sword actually alarmed the Royal party. In this event Monk saw fit to amend the Militia Act (passed 12th March) in an anti-Royalist direction to avoid giving offence to the officers. But so long had the fanatic party held power over the army, that a feeling existed among the Cavaliers, that in some slip 'twixt cup and lip, that power would still be retained.

¹ 26th March. E. 1019 (5*); *Har. Misc.*, iii., 188.

The debates on the electoral restrictions, by a sufficient, but not too large, majority turned out fairly happily for the Loyal party. But here, too, the repetition of the familiar harangues which had ruined so many Commonwealth Parliaments, raised a hope in fanatic and Republican breasts, that the Restored Parliament might be induced to continue long enough, despite the vote of 22nd February, till by another popular or military movement, the Rump would again come uppermost. Such hopes animated a pamphlet (we must now almost call it a libel) which came out on March 13th entitled *No New Parliament*, a feeble attempt to answer the swarm of attacks on the Rump which mark the final exit of that assembly. It drew from L'Estrange a vigorous refutation, *Rump Enough, or Quærie for Quærie*¹.

Fear and trembling that the day determined on for the final exit of the Rump—the 16th March—might by some unforeseen accident leave that body still sitting, or the other fear that with the electoral restrictions a new Rump might be foisted on the nation², these moods alternated with a delirious abandon reflected in the wildest jocularities. In *No Fool to the Old Fool* published for the day of exit³, L'Estrange fell in with this latter temper which, now that the nation began to breathe freely, invaded politics. At the same time he apologises for his levity. His *No Fool* is a whimsical and ironic forecast of the election, and though not very witty, probably amused the passions of the hour. Sir Harry Vane for Newcastle, Ireton and Tichborne for London, he suggests, while 'for Kent no man like Sir Michael Livesey, and for Norfolk there's Miles Corbet.' The piece is signed Thom. Scot⁴.

The interval between 17th March and 25th April recalls the electioneering phrenzy of the Exclusion Parliament. The Press was a powerful agency, but it was around the army that the main battle raged. On the one hand we see the cautious general holding the balance, on the other a crowd of Rump and Republican agitators working in a last violent effort to arouse the dormant pride of the soldiery

¹ *No New Parliament*, E. 1017 (8), 13th March; *Rump Enough*, E. 1017 (15), 14th March.

² Milton wrote the *Readie and Easie Way*, 2nd part, under the notion that these restrictions would 'keep the royalist out' and that thereby the Republic would weather the storm.

³ 16th March, 669 f. 24 (16).

⁴ 16th March s. sh. f. (669 f. 24 (16)).

in the 'good old Cause,' and this despite the Council Proclamation against such tampering¹.

In the country the factions were still influential and as the old Commonwealth sheriffs still remained, they hoped to have their aid in the elections. If these went against them, they still had hope of the Militia. If the Militia failed, the last resort of policy was to attempt to divide the Presbyterians and Loyalists. Failing all these, the assassination of Monk recommended itself to the extremists, and already on 24th March was privately mooted, if we may believe L'Estrange².

Their case then was by no means hopeless, and would not be so till Charles landed, if even then.

It is to such considerations that we owe the last literary appeals on both sides. On the Republican side a clever attempt was made to revive the memories of the great war by republishing *The Rise and Course of the War*, as searched into 'for matter to involve the murtherers of the King with those that would have saved him', which was precisely the line taken by vengeful Cavaliers of the L'Estrange type for the next twenty years. This piece did two things—it represented the long course of Stuart treachery, and it whispered an alarm to the Baxterians which in this event proved very real. But Baxter was already preparing his famous Penitential sermon for the opening of the Convention Parliament.

A *Letter Intercepted*³ which bears the Thomason date 23rd March, adopted the Miltonic opposition to both Monarchy and the increase of popular government involved in a free Parliament.

A day later—although dated 22nd March—came out a far more formidable letter to Monk bearing the title *Plain English*⁴. It issued from the subterranean mint of Livewell Chapman (who also published Milton's *Realitie*

¹ 17th March, Proc. of Council for all abandoned soldiers to quit London, 669 f. 24 (24), 19th March (24th March in the *Thomason Catalogue*), 'A Proc. for the arrest of all persons who attempt the debauching and alienating the affections of some in the Army,' 669 f. 24 (10). L'Estrange says that 'the agitators had possessed a considerable party' in the Army. See The Army's reply to these attempts. It quotes in the forefront the Proc. of 17th March forbidding officers to meet for the framing of manifestoes, etc.

² *Apology*, p. 95; *C.S.P.D.* (1659-60), pp. 409-11.

³ E. 1017 (36). See Roger's reply to this tract, *A Sober Answer*, etc., 27th March, 1660.

⁴ Not in Thomason Collection.

and *Easie Way*) and seems to have been the joint labour of the hotheads of the Republican party. It consists of eight pages of abuse of the Royalist party and fears for the future, when the rabble of London now so anxious to set up the late King's statue shall have returned to the 'leeks and onions of their old bondage'; with the object of reviving old memories it reprints the non-addressing Resolution of the Commons, January 1647-8.

On the 25th Dr Griffith—of the ranting type of Royalist from whom Clarendon prayed to be delivered—issued his sermon *Fear God and honour the King*¹, an indiscretion for which an impartial Council lodged him in Newgate, and which evoked Milton's *Brief Notes upon a Late Sermon*,—a castigation of this 'Pulpit Mountebank' which in turn provoked Roger L'Estrange's *No Blinde Guides*². These three Republican pamphlets with Milton's second attack on Griffith (*Eyesalve*) and Nedham's *News from Brussels* were the last effective sallies of the 'good old Cause'. They were also remarkable as issuing from one daring source. Livewell Chapman was now almost the sole publisher left to the 'Cause'. March 22nd is the date of *Plain English*, and on the 28th the first Proclamation was out for the arrest of Livewell. March 23rd is also the date of Nedham's scandalous *News from Brussels* which aroused Eveiyn from a sick bed to write his *Late News Unmasked*. The Council did not take action to dismiss him from the writing of the *Public Intelligence* till the 9th April, when the second part of Milton's *Readie and Easie Way* was selling³. Praise-God-Barebones is said to have assisted *Plain English* into print⁴.

We know that Chapman lingered about London several weeks before he fled to the Continent, and it is exceedingly probable that he printed the second edition of Milton's tract. These men—Nedham, Milton, Chapman, and Barebones—

¹ E. 1918 (1).

² E. 187 (2).

³ Of far more importance than the *Brief Notes* on Griffith's sermon. This later edition is 'written a month further down the torrent'. Its motto, *Et non Consulens dedimus Syllae* has given rise to some surmise as to who Sylla was.

⁴ It is dated 10th March in the original. There is an MS. note in one copy as follows: 'this letter as was reported was written by Sir H. Vane, Scot and Major Salloway (?)', printed for Chapman the bookseller, who upon the discovery of the matter fled, whereupon a Proclamation issued out against him. . . . It was written after the inditement of the said person, by Marchmont Nedham and conveyed to the printers and booksellers by Praise-God-Barebones. The alarm to the officers and soldiers of the army was written by the same persons'. The Proclamation for the arrest of Livewell Chapman is dated 28th March (669 f. 24 (47)).

formed a kind of last guard of the Republic, and they were privy to the designs on the Army. The second edition of the *Readie and Easie Way* suppressed, as Masson points out, the mild references to Monk of the first edition, and substituted a parallel to Sulla. Desborough's letter to Chapman of 8th April demands 'more books like your *Plain English*', and hints at a design to secure the General's person on 8th May, whilst it bespeaks that subterranean agitation among the congregations which was to be the greatest menace to the Restoration and for thirty years to shake the throne of the Restored house¹.

The reply to the agitation in the army was contained in a loyal address to Monk disclaiming any motive of treason, and signed by all the guards and captains². To L'Estrange fell the task of dealing with the despairing series of Republican tracts mentioned above. On 2nd April his *Treason Arraigned* chastised *Plain English* by that point method which was to become his favourite style. 'It is a piece drawn by no fool', he says, 'and I should suspect it to be a plot of the same hand that wrote *Eiconoclastes*. Say, Milton, Nedham, either or both of you (or whosoever else) say where this worthy person ever mixed with you—that is you, or they that employ you and allow you wages'³.

To divide the Presbyterians and the Loyalists—Desborough's policy—was the object of *Plain English*, but it also appealed to the Army and to the General to set up for himself rather than restore the Stuarts. At the same time it drew a lurid picture of revenge and Popery if Charles were brought back.

A day later the *Alarm to the Army*⁴, proceeding out of the same mint, tried to excite similar discord and suspicion. Yet a few days later, Nedham having been dismissed and

¹ *C.S.P.D.* (1659-60), pp. 409-11. 8th April 1660, Desborough to Chapman—'We fix on you as the faithfulest man, to convey our thoughts to our brethren about London. The Press is free enough for it, there is no restraint on that as yet'.

² Ordered by Monk to be published by H. Muddiman Gent, who was now in high favour, and besides the *Newsbook*, printed for the Council of State.

³ 3rd April is Thomason date, E. 1019 (14). The taunt is good in Nedham's case. Forty shillings was the wages allowed him by Thos. Scot for a single newsheet. Marchmont was only the chief of a staff maintained by Scot to write for the Rump. See article on the *Newsbooks and Letters of News at the Restoration*, by Mr J. B. Williams, April 1908 (*Eng. Hist. Rev.*)

⁴ L'Estrange answered the *Alarm to the Army* with *Double your Guards*. (E. 1019 (19)).

Chapman fled, the second edition of the *Reading and Basic Way* was struggling into notoriety. On the other hand, as has been said, the impartial Council had laid Griffith in Newgate, so that if Desborough was not misinformed, there were only Mr Caryl left of London's clergy to discountenance a republican conspiracy¹.

In these circumstances L'Estrange indicted his *No Blinde Guides*²—a tract which his biographer must feel some shame in mentioning. The little restraint observed in his first attack on the poet has entirely disappeared, and the most venomous spirit discovered. It might not be the 'dull Asses' hoof' of his master Ben Jonson, but it was certainly 'Gildon's venom'd quill' that Roger used on this occasion; nor does he note those excellencies of Milton's genius, admitted with something like pride by the loyal author (G. S. who may have been Gilbert Sheldon) of *The Dignity of Kinship Asserted*.

Here L'Estrange displays an energy of bitterness almost beyond anything that had yet appeared on his side, and unfortunately on behalf of as silly a piece.

'Tis there (*i.e.* Milton's attack on Salmasius) that you commonplace yourself into set forms of raillery, two pages thick, and lest your infamy should not extend itself enough within the course of usage of your mother-tongue, the thing is dressed up in a travelling garb of language, to blast the English nation to the Universe, and give every man a horror for mankind when he considers that you are of the race.

'In this you are above the others, but in *Eikonoklastes* you exceed yourself. There, not content to see that sacred head divided from the body, your piercing malice enters into the private agonies of his struggling soul with a blasphemous violence invading the prerogative of God himself (omniscience) and by deductions most unchristian and illogical aspersing his last pieties (the almost certain inspirations of the Holy Spirit) with juggle and equivocation'³.

There was now pouring in from the counties a stream of Loyalist Declarations which assured people that no thought of revenge animated the party, and to make good the pledge there was a good deal of politic abuse turned

¹ Page 62, note.

² E. 178 (2.)

³ It is some amends that L'Estrange's name appears in the list of subscribers to the 1680 edition of *Paradise Lost*.

on the ranting Cavaliers who were likely to spoil all by violence¹.

These declarations came chiefly from the counties which in January and February, prior to Monk's occupation of the City, had petitioned for a free and full Parliament. Their extremely peaceful, not to say Christian, intention was afterwards remembered in the harsh use made of the inevitable triumph by the Church. And though there was an undoubted attempt made by the Restoration powers to avoid the appearance of an indecent triumph, it was certainly open to the Faction to point to the Cavalier pre-Restoration Declaration—most penitential of documents—where they threw the wolf away and put on the lamb, submitting themselves humbly to their calamities as from the hand of God. They had 'no violent thoughts or inclinations against any persons whatsoever'².

By 20th April, the date of *No Blinde Guides*, there was really no further or pressing need for a continuance of the warfare in the Press. Royalists were better engaged in directing the people how to vote³, since the danger that the will of the people should not prevail had passed. The pendulum indeed had swung to the other side and a stiff hand was required to restrain the more nervous or vengeful spirits from prejudicing the election by their wild words⁴. Just as the Republican extremists carried over the warfare into the Restoration, we shall find that certain of these rash Cavaliers proved a serious annoyance to Charles' Government by their importunate clamours for a revenge that would have violated the spirit of the Restoration. L'Estrange became one of them, but

¹ Apart from—or as the result of—Griffith's imprisonment, see *A Word in Season to the Ranting Royalists*, price 4d. 10th April, 669. 24 (57), 'Do you not know how the King disowns you, the people dislike you, your friends blush for you. . . . You are more dangerous than the Rump itself'. See Hyde's letter to a Royalist, 16th April 1660. Wood, *Athena*, iii., 711-13. 'This very last post has brought over 3 or 4 complaints to the King of the very unskilful passion and distemper of some of our Divines in their late sermons'. The danger of the impression conveyed in Nedham's *News from Brussels*, 'I hate to show the teeth before we bite', had to be strictly guarded against. See Kennet's *Register*, p. 120, and Hallam, *Cons. Hist.*, p. 491, note.

² Oldmixon, *Hist.*, i., 464 and 466. May 1660, 'the presbyterians paid their compliments to Breda in money, the Cavaliers in great boasts of service'.

³ See Roger L'Estrange, *Necessary and Seasonable Caution Concerning Elections*, 24th March, 669 f. 24 (32).

⁴ Hallam, *Cons. Hist. of Eng.* (1879), p. 491 note. 'The Royalists began too soon with threatening speeches'. See *Clarendon State Papers*, 721, 2, 7. Thurlooe, vii., 887, and the King's Declaration from Breda (*Somer's Tracts*, vi., 562).

NO
Blinde Guides,

IN ANSWER

To a seditious Pamphlet of
J. MILTON'S,

INTITULED

*Brief Notes upon a late Sermon Tilt'd, the fear of God
and the King; Preach'd, and since Publish'd, By
Matthew Griffith, D. D. And Chaplain to the
late KING, &c.*

Addressed to the Author.

If the Blinde lead the Blinde, Both shall fall into the Ditch.



LONDON, April 25

Printed for Henry Brome April 20. 1660.

he cannot fairly be classed with the wild men of 1659-60. On the contrary, at no time did he mingle more prudence with so much boldness.

The result of the election was, in spite of the restrictions, on the whole a surprise even to the Cavaliers. 'Upon the day appointed the Convention meets, but not altogether so leavened as by the qualifications was intended—excluding father and son of such as had served the King, from the Election. In fine, the major part of the assembly according to their duty gave the King his own again without those shackled conditions which the qualifiers would have imposed'. It was not very long before those who thus graciously waived conditions, and Baxter who blessed their labours with a loyal opening sermon, discovered that they had done something suspiciously like selling the pass. It was the work of their own hands, and they were shortly to find it rather the fashion to remember that Manton officiated at Cromwell's inauguration as Protector, than that Baxter blessed the Convention Parliament¹. We shall find nothing more to reprehend in L'Estrange, than his politic shift from the praise of Mr Prynne in 1659 to his *Holy Cheat* of 1661².

In reviewing the important service which L'Estrange performed for the King during this period which he calls his 'Third Prenticeship' in Loyalty, the question arises, which of his many pamphlets was of a character to bring him into personal danger? He himself claimed that 'Rationally he could not expect any other reward than a halter'³. Until Monk on 4th February threw in his lot with the City, any anti-Rump tract involved some danger. Between that date and the polling for the Convention Parliament there was the lesser danger of a reversion of popular feeling or of a new *coup* on the part of the Army. But from the moment (9th April is the date of the Army's Remonstrance) that that gleam of Republican hope was seen to be fallacious, and that nothing could be done to divide Presbyterian and Royalists, all danger, except from the gratuitous folly of the 'Ranting' type, was over. This last period is therefore the golden hour of poets and the venal muse, as it was correspondingly the hour of Milton's and Marvell's and Wither's greatest peril. It is the occasion of a thousand

¹ See his *Sermon on Repentance*. Ap. 30. E. 1023 (14). Oldmixon, i. 498.

² See chap. iii., 85.

³ *State Divinity*, 1661.

congratulations, *Britannia Rediviva*s, from the Universities and schools, and marks the hot rush of trimmers to the side of safety. Dryden, Waller, Davenant, Sprat, and even Wild are here to pay homage to the Rising Sun.

But L'Estrange had from the very first—from Booth's Rising, when few dared write—taken up a bold if anonymous attitude¹. His December Protests of the City, which drew down the anger of Tichborne², his unwearied efforts to arouse the City and fan disorder among mutinous prentices³, his advice to the General and Pleas for the Cavalier if not for Limited Monarchy⁴ before the danger point was passed, his (unauthorised) representations of country feeling, and notably his intervention in the important Devonshire episode, and lastly his energetic exposure of the work of the fanatics with the army and their tampering with elections, make a record of personal service that ought to have obliterated any suspicions of the kind which made Willis' name accursed, and ruined the wretched Corker⁵. We shall find that the men whose record does not begin till the danger hour had gone by, were to attempt to blast the good name of the man whose efforts had made him, if not the first Royalist journalist, at least the best of pamphleteers.

Finally, then, in his own statement 'as to my behaviour afterwards in all the broils and tumults in the City that in a great measure opened the way to His Majesty's return, I can appeal to Col. John Jeffries and Capt. John Lloyd, two persons of unquestionable integrity and honour, and I believe to forty considerable citizens yet living, that I ventured hanging for His Majesty's service in these times as fair and as often perhaps as any man in the three kingdoms'⁶.

¹ Postscript to *Discovery upon Discovery*, 1680 (addressed to T. Oates). 'In 1659 Lambert was upon his march towards Sir George Booth and Sir H. Vane had listed the Separatists in and about London to be in readiness; at which time I published the following Paper' (*The Declaration of the City to the Men at Westminster*). The *Declaration* is not in the Thomason Collection.

² P. 48 note.

³ See note p. 54, on Prentices.

⁴ See note p. 57.

⁵ Firth, *Last Years of the Protectorate*, ii., 69.

⁶ *Observer*, ii., 80.

CHAPTER III

1660-2

PURITAN DIVINES AND SEDITIOUS PRINTING

L'ESTRANGE's active life now demands that for clearness sake we should treat it under three heads rather than abide by strict chronological sequence. At the same time these interests are more or less related, and find a common ground in one agency, the Press, with which indeed the rest of his life was to be mainly concerned.

For the moment he had four calls on his energies :

1. To meet the charges against his loyalty which circulated even during his pamphlet warfare on behalf of the Restoration.
2. To voice the complaints of the disappointed Cavaliers.
3. To fall foul of the Presbyterians and prove—what he had publicly denied in the late struggle—that they were the real enemy.
4. To expose the methods of the factions as they were concerned with the seditious Press.

It may be said briefly that he was successful in vindicating himself from the charge of disloyalty, that he gained the regard of the Church, then devoted to that passion for Conformity, noted by Burnet as the Restoration plan, a regard which blossomed into actual monetary rewards at a subsequent period, and that he obtained the *Newsbook* and the Surveyorship of the Press as a reward for his activities against the seditious. But as the loud champion of the distressed Cavaliers, he came very near to a gaol for embarrassing His Majesty's Government, and clumsily challenging that wise policy of keeping the Commonwealth men in humour and office *for a while*¹.

¹ This phrase gave great offence. See his *Plea for the Cavalier*. A bitter note of Dartmouth's to Burnet's *History* ascribed the policy to Clarendon. See p. 69, note.

The slight evidence we have shows that Clarendon was inclined to acquit L'Estrange of disloyalty and to relieve him of any apprehension that he was in the same category as Corker, who now (June 1660) wrote his lying apology¹. Nothing shows more clearly the authority of the Chancellor at this moment than the manner in which he was addressed as the High Court of Appeal in matters of disputed loyalty. In Flanders, we saw, after the Kentish affair, L'Estrange handed him a copy of his printed *Vindication to Kent*, and the Chancellor was good enough to say certain soothing things, and to make the young Cavalier welcome at his house. That Clarendon took the trouble in 1653 to send an assurance to 'Mr L'Estrange in Germany' that the rumour of the King's apostasy was false, shows that, all slanders to the contrary, he then regarded Roger as an honest man². But when the Cavalier was busiest over his anti-Rump squibs, which really involved some danger, an enemy carried the kind of tale to the Chancellor, which was just then after melancholy examples both in England under Cromwell, and in Scotland under Monk³, calculated to arouse the blackest feelings.

Next to the establishment of the Church in all her ancient glory no question agitated the Chancellor more than that of the conduct of the Old Cavalier. When we remember that to his chargin in this direction he imputed Charles' backslidings after a notable Restoration resolve on better things⁴, we see how important the matter became⁵.

That dark but probably just passage in the continuation of Clarendon's history⁶ which describes Restoration manners, is directly led up to by a long discourse on the violence, jealousies, and loose manners of the Cavaliers. Instead of the devoted gratitude to God for a happy Restoration, which

¹ See *Retrospect Review*, Second Series, i., 292.

² Chap. ii., 34.

³ For the Scottish betrayals, see Prof. Firth's *Last Years of the Protectorate*, ii., 121.

⁴ It is difficult to say whether we are to regard Clarendon's throwing his shield over Charles in the early days of the Restoration as an attempt to justify that anti-Cavalier bias he adopted, by making the King's subsequent falling away the result of their clamours, or Burnet's frank exposure of Charles from the first night he spent in London, as the true picture. 'Those virtuous Ministers (Clarendon and Southampton) thought it became them to let the world see that they did not comply with the King in his vices.' Airy, *Own Times*, i., 166-3.

⁵ See Macaulay's estimate of Clarendon in his *Essay on Hallam's Const. Hist.*

⁶ *Continuation of Life*, ii., 34-6; Airy (*Charles II.*, p. 103) refers to the Chancellor's 'sorrowful eloquence'.

the April declarations to the General promised, with the laying aside of all jealousies, there appeared at the Restoration no cessation of the disunion and suspicion of the dark days, but, on the contrary—urged on by rewards which went to some—assumed a fiercer aspect than ever. Two things damped the spirit of Charles on his return. On the road to London he was met by the importunate clamours of the Old Cavalier, and at Canterbury he received Monk's wonderful list of men worthy of a place. This latter difficulty was much more negotiable than the former, and Monk proved not unreasonable, but a single Commonwealthman in the new Government was sufficient to arouse the ire of the Cavaliers. For the former difficulty there was no solution but time, and the Earl of Ailesbury—a good authority—went so far as to say that to the disappointments of this class is due the rise of 'Whigism'¹.

As to the character of these office-seekers they 'were observed to be the most importunate who had deserved least, and were least capable to perform any notable service, and none had more esteem of themselves and believed preferment to be more due to them, than the sort of men who had most loudly began to drink the King's health in taverns, especially if for any disorders which had accompanied it they had suffered imprisonment without any other pretences of merit or running any other hazard'². Thus early Clarendon was forced to assume that attitude of hostility to the extreme men—of whom Roger L'Estrange was a noisy example—who wished to limit or scrap the Act of Oblivion³, and whose

¹ 'It really sprung by degrees from the discontent of noble families and of many good families of the first gentry in the Counties whose ancestors were sequestered, decimated and what not on account of their steadfast loyalty—the estates of Lord Byron (under whom L'Estrange served) almost wasted, and I never heard that the heir was ever countenanced—hundreds more had the same fate'. *Ailesbury Memoirs* (1890), i., 6. Eachard, iii., 6: 'The first complaint against Clarendon proceeded chiefly from the Cavalier party, and this began so early after the Restoration that,' etc.

² *Continuation*, ii., 36.

³ Burnet, *Own Times*, i., 289: 'The angry men that were disappointed of all their hopes made a jest of the title of it "an Act of Oblivion and Indemnity", and said the King had passed an Act of Oblivion for his friends and of Indemnity for his enemies. To load the Earl of Clarendon more it was given out that he advised the King to gain his enemies, since he was sure of his friends by their principles'. Burnet hints that 'the King fastened it upon him after he had disgraced him'. Among the host of exceptions demanded for insertion in the Act, we find Roger L'Estrange's for the exception of Tichborne and others, no doubt for the Court-Martial sentence after Lynn. *H.M.C.*, App. to 7th Rept. 96(b). See chap. i. 19. The Act of Indemnity blotted out all offences since 1st June 1637. *Lords' Journals*, xi., 240, 379.

scandalous manners brought a reproach on the whole party. But this hostility for many long years tempered the satisfaction with which many a loyal gentleman read the *History* and the *Continuation*¹.

The Proclamation (given a wide publicity in the *News-book*) which rebuked these noisy ranters, did not mend matters, though it pleased the Presbyterian and straiter sects.

It is sad to find L'Estrange admitting himself publicly to be of this band, 'not altogether free from drunkenness and profanity'², and loudly voicing the jealousy of Commonwealthmen admitted to favour.

The rising of Sir George Booth had proved the touchstone of party, and Cavaliers at the Restoration were keenly divided as to the scope and interest of that affair. Clarendon was convinced that it 'had contributed very much to the wonderful change that had since been issued by the discovery of the general affections and dispositions of the Kingdom'. At the same time, as a concession to the Old Cavaliers, he deplores the fact that 'a greater animosity had been kindled in the royal party, and was still pursued and improved amongst them from that combination and engagement. . . . It had introduced a great number of persons, who had formerly no pretence of merit from the King, rather might have been the objects of his justice, to a just title to the greatest favours the King could confer, and which from that time they had continually improved by respected offices and services, which being of a later date might be thought to cloud and eclipse the lustre of those actions which had before been performed by the more ancient Cavaliers, especially of those who had been observed to be remiss on that occasion'³. They therefore habitually undervalued the services wrought by the Cheshire Revolt.

We have seen that L'Estrange was not quite idle in that affair⁴, but his claims were not great, and his references in the *Memento* prove him to be of the class that excused themselves on the ground of suspicion of the true motives of the Rising and of Presbyterian guile. 'I well remember

¹ See Dartmouth's note to Burnet's *History*. 'He furnished the great house in the Picadille chiefly with Cavaliers' goods'. *Own Times*, i., 176, with Mr Airy's note. So Evelyn, *Diary*, 27th August 1667, and Pepys, *Diary*, 7th March 1661-3.

² *Memento*, ed. 1662, omitted in reprint 1681: 'I do here publicly confess myself not absolutely free from those distempers which I am both sorry for and ashamed of'.

³ *Continuation*, ii., 36.

⁴ Chap. ii., 45.

one particular in that transaction', he says¹, 'that passed my understanding and methought smelt of treason. It was extremely laboured, that the King might be persuaded to come over, and that too before any port was secured or men embodied, on the bare hopes of the design to engage his sacred person'².

The Rising in other words was either a mere Presbyterian move, or a deliberate stage-managed attempt to decoy the King into the hands of Parliament.

Without any evidence that L'Estrange was of the party which pursued Mordaunt with execration, we may take that ungenerous conduct which Clarendon has described as typical of the blight which was presently to fall, not for the first time, on L'Estrange. Mordaunt had no arrears of disloyalty, but his lucky escape from the block when Hewitt and Slingsby were condemned, suggested treachery to the distempered Loyalists. Although his subsequent conduct showed him to be above reproach, the whole party of roysterers and tavern Loyalists united in the pursuit of a noble stag³. Every petty tale was conducted by a hundred channels to the King's ear with the result that Mordaunt was totally neglected. 'The truth is', says Clarendon, summing up⁴, 'most men were affected and more grieved and discontented for any honour and preferment which they saw conferred upon another man than for being disappointed in their own particular expectation'.

Mingled with incriminations of Mordaunt came also the stories already alluded to of L'Estrange's treachery, and Roger might have claimed kindred with Mordaunt if his own manners and jealousies had not too notoriously classed him with the Ranters. Men who were favoured at the Restoration—'the new modelled of gimcrack'—could afford to assume an attitude of moderation and bid their less

¹ *Memento*, part i., 36.

² Hull—for attempting to betray which Slingsby was condemned—and Yarmouth had been the hopes of the Cavaliers in the plot of 1658. It is curious that we hear nothing of a port in connection with the Cheshire affair, but then we hear little of the negotiations for bringing the King over. Hallam, *Cons. Hist.*, p. 483: 'The Royalists . . . pressed that he (Charles) or one of his brothers would land on the coast'. For notice of the timidity and irresolution of the Cavaliers on this occasion, see *Calendar of Clarendon State Papers*, i., 491 and 590.

³ *C.S.P.D.* (1659-60), pp. 277-8, 6th December to 16th December 1659. 'Their activity to ruin others is greater than their zeal to restore their master. . . . I wonder Lord Mordaunt should be so used by them'. Mr Baron to Sec. Nicholas concerning the Sealed Knot.

⁴ *Continuation*, ii., 38.

fortunate friends be quiet. So Sir John Birkenhead, Master of Faculties, so Howell, Historiographer Royal, Muddiman, writer of the *Newsbook*, and Sir John Denham, Surveyor of the Royal Buildings.

But scarcely had Charles been safely restored when Roger—6th June 1660—hastened to present the public with his full defence and apology.¹ This early appearance naturally brought on him the sneer that he was afraid he might be forgotten in the division of the spoils.² His ambitious motto:

‘Qui aliquid statuit, parte inaudita altera
Aequum licet statuerit, iniquum est iudex,’

showed he was resolved to let every one know what he had done for the King. Accordingly we are treated—for neither the first nor the last time—to a narrative of events from Lynn to Newgate, from Newgate to Kent, from exile to the Restoration. These earlier matters, however, are dismissed in the compass of four pages, and he unfortunately suppresses thirty-five pages which probably expatiated on the Kentish affair, and perhaps on the conditions of the Cavaliers abroad, and which might have been of historical value. The main part of the book is devoted to the Interregnum struggle, and shows abundantly what his enemies might have known already, that he ‘ventured hanging for His Majesty’s service in these times as far and as often perhaps as any man in the three Kingdoms’³.

We are here only concerned with the *Dedication*, which gives a hurried picture of the suspicions of that distraught period. ‘When I first heard myself suspected’, he says, ‘for an instrument of Cromwell, his pensioner, and a betrayer of his sacred Majesty’s party and designs, I could not choose but smile and almost thank the authors of that calumny that, (in a man so full of faults), had fixed a charge there, where it was impossible I should be guilty. But when I came to find that divers of my nearest friends were cautioned,

¹ E. 187 (1) Anticipating Corker’s by four days—a very different kind of apology of course. Corker, in the letter quoted in the *Retrospective Review* (New Series, i., 291), acknowledges ‘my fearfull apostacie’, and was liberated a few days later. ‘A striking specimen of the disregard of truth and honour, and almost justified the neglect with which Charles II. treated them after his Restoration,’ says this editor.

² So recently repeated as in Mr J. B. Williams’ *History of English Journalism* (1909), p. 259.

³ *Observer*, ii., 80 (June, 1684).

and with monstrous secrecy designs were carried for fear of me (even those designs that were common talk of herb-women and porters) I began to look about me, and in conclusion some two or three women, a fiddler, and a haberdasher I discovered. Upon further inquiry I found that this intelligence was as current about the King as here, and that many eminent persons were possessed with the same opinion.

'It was not then a season to bring myself upon the stage when by struggling I should only have done a public wrong and yet myself no right, whereupon I resped that purpose in hope and expectation of that freedom which we are at this day enjoying.

'The tedious expectation of an acquittal', he continued, 'blasts the comfort of my life and cankers all that's conversable in my nature. I have an inward stream of indignation to find myself suspected among worthy persons, that takes me from the common offices and benefits of society. I cannot visit where I would and ought without a blush, and this forbearance in many places taken to proceed from want of inclination or good manners, when (God he knows) out of an honest tenderness to others I cross myself in what I passionately desire'. His 'tedious expectation' was to continue for another year or two, and in the meantime the office set up by Act of Parliament for the relief of the 'truly loyal and indigent officers' became the scene of the scandalous recrimination between Birkenhead, L'Estrange, and others which no doubt inspired the reproachful passages already referred to in Clarendon.

It would be interesting to know the names of those unimpeachable Loyalists whose company Roger dared not seek. For, on the whole, a very small body of Cavaliers accompanied the King home, the vast majority having made their peace with the Government, and being guilty of some compliance or other.

This very human document remained unnoticed, and meanwhile Roger busied himself—probably in the hope of employment—with haunting the lobbies of Westminster and bringing libels to the notice of members. 29th September 1660 is the date marked by himself 'when he first put pen to paper about his discoveries'¹. But when month succeeded month, and he was still left in the cold, while Birkenhead, Muddiman, and Howell were all recognised, at the same

¹ *Observer*, ii., 80 (June 1884).

time that a compromise with Monk had let in Morrice, Cooper, Clarges, and Manchester to high office, not to speak of a similar indulgence in the lower range of offices, among printers, booksellers, and lowly scribblers, Roger began more and more to fall into a cynical hostility, and to speak for a very large company of his kind. The Bartholomew ejection had not yet come to glad the Cavaliers' hearts, nor had L'Estrange yet found his *métier*, which was to help the Government in its struggles with Nonconformity and the seditious Press. When he did, he developed a ferocity entirely at variance with his former mild compliments to Presbytery, and a forgetfulness that he himself had graduated as the greatest exponent of seditious writing against the Commonwealth Government.

The fruit of these bitter musings was a series of invective pamphlets in which to use his own elegant phraseology he 'struck at the Government through the side of Presbytery'.

The first of these was provoked by Corbet's *Interest of England in the matter of Religion*, the second part written in the spring of 1661, when the hopes of Presbytery still stood high. The Convention Parliament had a Presbyterian majority, but whilst it lasted, the other side skilfully contrived to postpone the question of a settlement¹. The party or 'classis'—as Clarendon calls them—had a more than colourable pretext for their pretensions. The Cheshire Rising was their affair. Pryune, their champion, who supplied the legal arguments for loyal Hewitt², did more perhaps to forward the Restoration than any other writer. Baxter preached the opening sermon to the Convention Parliament. In a word, they usurped the whole credit of the Restoration, and pointed with some effect to the disorders and jealousies which had reduced the Cavalier party to a state of noisy impotence.

So that the shouting of the Restoration was no sooner over than people began openly to canvass the merits of Presbytery. The Directory was placed in open competition with the Book of Common Prayer. In this work the Freedom of the Press aided powerfully, and L'Estrange corroborates the testimony of numerous writers in saying

¹ 'Though the Presbyter would have the Church settled in Parliament the other party are resolved to put it off with delay'. *Verney MSS.*, quoted in Mr Osmond Airy's *Burnet*, i., 315, note.

² *Last Years of the Protectorate*, ii., 78, note.

that this freedom 'had so manifest an influence on the minds of the people that the unanimous pre-eminence of affection for the Restoration was so altered, that the Presbyterian cause became the common argument of public meetings'¹.

It was this revival and credit of Presbytery which warned the Church leaders that the hour had come to drop the politic mask of compliment by which the Presbyterians were lured on to effect the return of the King—seemingly the greatest betrayal of their ambitions.

The two *Papers of Proposals* to his Majesty which embodied the views of the London Ministers, several of whom had invited the resumption of their livings by their legal owners, were presented², the first at the King's express desire after the anti-Cavalier Proclamation, the second after the Declaration of 25th October 1660, which announced the Savoy Conference, and bade people be quiet in the meantime. The first of these is a very modest and grateful document; the second regrets that whilst the King was graciously pleased with the moderation of the first paper, his Declaration altogether omitted references to the question of Church Government. Both these papers were published with other batches of proposals and the *Petition for Peace* in 1661. Hence we shall find much anger on the part of L'Estrange.

On the whole, while it can scarcely be said that the change was effected with the minimum of friction, it may be doubted if an immediate 'showing of the teeth' (to use Nedham's phrase) would have been more politic than allowing the advocates of Presbytery to find out gradually that they had been betrayed.

In October 1660, when these things were being amicably discussed, the Rector of Bramshot, Dr John Corbet, bosom friend of Baxter, in the first part of his *Interest of England* gratefully described the King's Declaration as granting 'just and gracious concessions'. Early in 1661 he issued a second part in the same vein³. These 'Presbyterian insolencies' aroused L'Estrange to break in at once on the false harmony

¹ *Truth and Loyalty Vindicated*.

² Burnet, *Own Times*, i., 316, note. 'Many of these had gone into the design of the Restoration in so signal a manner and with such success that they had great merit and a just title to very high preferment'.

³ 10th March 1661, E. 1857 (2).

with his *Holy Cheat*¹ — the first unabashed attack on Presbytery, and we should think a considerable annoyance to a Government which was still bent on keeping on the mask of good-will to Presbytery. But Roger had already felt the pulse of Parliament, and despite the brave words of the Lord Chancellor²—Sir Harbottle Grimstone, Burnet's Whiggish patron—at the opening of Parliament on the 29th August 1660, and the warnings of friends, determined to take his chance of affronting the Court. 'I must tread warily', he said, 'for I am here upon a narrow, slippery ground'³. As to the Act of Oblivion and the compact of silence referred to in the Chancellor's words, that is already broken by the Presbyterians themselves, as witness that mass of sedition, *Smectymnurus Revived*, published in the week of the Restoration by Dr Manton⁴. Such protestations lead up to smashing attacks on the history and aims of Presbytery, and a downright denial that they had ever served the Monarchy except to make it their tool.

Meanwhile a new trouble was brewing for Presbytery in the person of the Rev. Zachary Crofton, a zealot of the type that brings trouble to any party. He was at this time (from February 1661-2) a prisoner in the Tower for certain wild and whirling words for the Covenant. A prison seemed to calm his ardour momentarily, and in July, at the invitation of the Governor, he attended the Anglican services in the Tower. It is scarcely possible for us to

¹ *The Holy Cheat, Proving from the Undeniable Practices and Positions of the Presbyterians that the Design of that Party is to enslave both King and People under the Masque of Religion by way of Observation upon a Treatise entitled, The Interest of England in the Matter of Religion, etc.* Fourth Impression, printed 1662, and now reprinted 1682.

² After the King's Speech, 8th May 1661, quoted by Clarendon (*Continuation*, ii., 180). The Chancellor said 'it was penal by the Act of Indemnity to use names or words of reproach and that surly looks were within the equity of the Statute'. Oldmixon, p. 477, remarks: 'To prove the integrity of these speeches we need only mention a book mentioned by Eachard and written by the infamous Roger L'Estrange. The Reverend Historian fills one of his folio pages with what he takes out of that notable piece wherein some of the Presbyterians preferred by the King for restoring him to his Kingdom are called Cromwell's creatures, St John's creatures, etc.'. When Oldmixon goes on to say that 'this libel (which is the *Relapsed Apostate*, not the *Holy Cheat*) was applauded and bought up by the creatures of the Court, and sufficiently proved what dependence was to be placed in the most fair words', he goes beyond his book. For nothing is clearer than that the Court frowned ominously on L'Estrange's first adventures in this direction. Even a gaol was contemplated for him.

³ The analogy between his conduct now and in 1679-80 is striking. In both cases the Government might say of him 'thou marshallst me the way I was to go', by interpreting the true mind of the Court.

⁴ *Truth and Loyalty Vindicated*, pp. 58-60.

understand the bitterness excited by this compliance. Crofton's defence was to be communicated to his brethren in a printed pamphlet, which, however, was warily stifled by his friends. Written copies were handed round, the familiar method of sedition among the sectaries for thirty years. As a result of his compliance Crofton found himself free in 1662, but remorse drove him to the greatest anti-episcopal excesses and marked him out for L'Estrange's quarry¹.

The abortive proceedings of the Savoy Conference made it clear that unconditional surrender was the fate offered to Presbytery. The concessions in the Prayer Book yielded by the Bishops were 'for the most part verbal and literal rather than real and substantial'².

Whilst admitting divisions within the ranks of Presbytery, Baxter makes much of similar fissures in the Church. Setting apart intellectual differences which undoubtedly existed, it may be said that between Stillingfleet and Morley it was merely a question of how far Conformity could be forced on people.

Baxter was naturally regarded as the soul of Presbyterian contumacy, and while he was suspected of a hand in the document referred to below, he was more particularly blamed for the book which came out a little later, and was long regarded as the classic of the Savoy Conference Papers. The *Petition for Peace*³ has no dedication or preface, but is addressed as a kind of minority Report to the Episcopal Commissioners. Yet, as L'Estrange put it, these people were those from whom it was most scrupulously concealed. That it had to steal out without a printer's name seems to us incredible, having regard also to its singular modesty. In substance it makes the usual appeal in the name of Usher,

¹ *Memento* (1662), Dedication to Clarendon. Kennet (*Register*), 397, 402, etc. Baxter (*Life*, ii., 288) describes Crofton's career. See his curious *Inference against the Fear of Death*, written in the Tower, 1661-2, 'and now made publique for the advantage of such as abide under God's present visitation in London by the Pestilence, 1665'. No printer's name. Crofton was minister of St Botolph's, Aldgate. Kennet, 375 (February 1669-1), quotes from Roger L'Estrange's *Lowest Mistaken* (*Holy Cheat*), 'The single imprisonment of Crofton hath quieted that party more than all the multiplied mercies of his Majesty'. So Ralph, i., 32-3.

² 'Reply to the Most Rev. Archbishops and Bishops commissioned to treat about the Alterations of the Common Book of Prayer', probably written by Baxter, and bound up with the *Petition for Peace*.

³ E. 1091, May 1661. A *Petition for Peace with the Reformation of the Liturgy as it was presented to the Right Reverend Bishops by the divines appointed by His Majesty's Commission to treat with them about the alteration of it*, 1661.

as the Mediator between Presbytery, or Primitive Episcopacy, and the Church. The part reason why it aroused so much spleen—apart from its merits—is that it synchronised with two sets of inflammatory tracts which marked the first general engagement between the Government and sedition—the Regicides' printed speeches, and the first batch of Farewell Sermons of the ejected ministers¹, 'some hundreds of whom, able, holy, faithful ministers, are late cast out and not only very many of their families in great distress but (which is of far greater moment) abundance of congregations in England, Ireland and Wales are overspread with lamentable ignorance and are destitute of able faithful teachers, and seeing too many that are insufficient, negligent or scandalous are over the flocks (not meaning this as an accusation of any that are not guilty nor a dishonourable reflection on any party much less on the whole Church)'².

The style of the tract strongly resembles Baxter's, and there is scarcely a doubt that he wrote it. So at least thought Roger L'Estrange when he indulged in one of the least creditable of his little creditable attacks on Presbytery. The *Relapsed Apostate* created considerable stir³. It is provided with a mocking *Dedication*, an *Advertisement* and an *Introduction*. In itself it is a lengthy diatribe, but in the usual L'Estrange fashion no mere declamation, but a thorough, if one-sided quoting of chapter and verse, adorned also by two quaint quotations from Ben Jonson's *Bartholomew Fair*. The ferocity of the piece is partly explained by its date, 14th November 1661. It was issued at the moment of his greatest unpopularity with the Court because of his attacks on Howell. This Presbyterian business offered him a welcome escape from the cloud of infamy he had involved himself in on that account. The situation was most difficult. On the one hand were the men led by Morley—an old Calvinist like Parker—who desired a thorough 'purge' in the Church of all those disaffected elements which at the opening of the Civil War had been a considerable weakening of the Royal cause. Clarendon seems to have been won

¹ Prior to the Bartholomew Ejectment. See Airy, *Burnet*, i., 315-6.

² *Petition for Peace*.

³ *The Relapsed Apostate, or notes upon a Presbyterian Pamphlet entitled, A Petition for Peace, etc., wherein the faction and design are laid as open as heart can wish*, by Roger L'Estrange, 1661. It was long remembered by good Churchmen. Eachard's extravagant praise is of course corroborated by Kennet (*Register*, p. 232).

over to this course by his friend Morley, after having trifled with the other view supported by Southampton¹, which aroused the hopes alluded to in the King's Declaration of October 1660. Burnet hints at a coolness between Southampton and Clarendon as the result of this change of mind, and it is this vacillation in the Government mind during the winter 1660-1 which gives L'Estrange's *Relapsed Apostate* considerable importance. For it attempted to drive matters beyond hope of the pacification desired by Southampton, Anglesea, and Sir Harbottle Grimstone, but evidently not by Morrice².

That Morley and L'Estrange (if we may mention these two together) were not ill-advised as a point of policy in this matter, is shown by the history of the Church for the next forty years, and particularly by the Whig revival within its pale in 1682-5. But whether the no-comprehension movement and the stiff attitude of the Bishops at the Savoy Conference were—as Burnet hints—partly due to the Court's already conceived ambition towards Rome, whilst the spreading abroad of rumours of disaffection and exaggerations of the disturbances of 1661-2 were merely the work of the hot spirits to defeat any project of accommodation, it is impossible to say. It is extremely unlikely that L'Estrange in his series of bitter attacks had any motive but to discredit the thing he hated³, and it does not take much imagination to see behind his spleen the sinister figures of the Tolls and Thoroughgoods of King's Lynn who had impoverished his family.

Nor did it need great perspicacity to note the dangerous drift of the great mass of anti-episcopal literature, which the ejections and the Regicides' speeches provoked.

When all this is said it is still difficult to see how the *Petition for Peace* could be construed as a libel, except—and L'Estrange was clever enough to fasten here—from its clandestine and widespread publication. L'Estrange's information—he had already taken on himself the duties of unofficial Press Scout—showed that the Faction had taken

¹ Airy, *Burnet*, i., 316.

² *Ibid.*, i., 315, note.

³ So far Sir Sidney Lee (Art. on L'Estrange, *Dict. Nat. Biog.*) is right in using the phrase 'with greater disinterestedness' to describe his anti-Presbyterian activity. Others, however, even on his own side, spoke more slightly. The contemporary view is rather expressed in the remark about some one, who coming away from Lambeth, with only thanks and benedictions instead of money, swore, 'Damme, let the rogues henceforth write for themselves'. *Observer*, i., 289. See Kennet, *Register*, p. 232.

extraordinary precautions against discovery. They addressed it to the Bishops, yet 'from them of all the rest, it is with most care concealed, but on the other side, the copies flie in swarms about the nation'¹. To the excitable Royalist the parallel of the 1641 Petitions for a thorough reformation, and the earlier Scottish tumults, was ever in mind, and with so many recent revolutions, it was by no means certain that the present Government would prove more stable than the others.

'Just in this manner did they encroach upon his late Majesty, whom they pursued and hunted with their barking arguments upon the very scaffold, and then, when they were sure that words would do no good, they babbled a little, as if they meant to save him'².

When the *Alarm to the Armies* and similar papers tried to drive a wedge between Presbytery and the Loyal party in March to April, 1660, Roger had used very different language³. Now his cue is to confound Presbytery with the violent sects and to minimise their numbers. 'Surely he's much a stranger to the temper of the nation that does not know the Presbyterians to be very inconsiderable, both for number and interest of credit with the people. Where did they ever anything without the Independents'? Baxter's claim that the moderately Presbyterian clergy predominated in London was perhaps an exaggeration. But the order of the day was 'down with Presbytery', and L'Estrange was at the labour-oar—a commission from the Church rather than the Court, which still dissimulated. Friends warned L'Estrange against this infraction of the rules of the game, at the same time it was reported that he was preparing a list of all those 'now in employment', who had borne arms against the King or his father. This was not true, but he did suggest that a list for the King's own private use might be a benefit⁴.

About this time, and indeed since the Restoration, another schismatical person was troubling the repose of the Church.

¹ *Relapsed Apostate*—Introduction.

² *Ibid.*, p. 28. Echard, iii., 6-7.

³ L'Estrange's reply to the *Alarm to the Armies*, 4th April, 1660, E. 1019 (19), 'The shameless beast proceeds to charge the secluded members with the guilt of the King's blood upon a senseless inference drawn from the Declaration of both Houses in 1647 touching the reasons of the votes for non-address'. Roger then explains how these votes were passed. The Independents shuffled them through when the Presbyterians were dining.

⁴ *Relapsed Apostate*—Advertisement.

Edward Bagshawe, student of Christchurch, has obtained his place in Anthony Wood's gallery of portraits and a by no means favourable one¹. Nor did Dr Walter Pope² remember his bitter and invective nature more tenderly. Of an aspiring and turbulent spirit, his pages—and indeed his titles—are, with the exception of his devotional works, charged with containing nothing but accusations, and his life at Cambridge, and as second master under Busby at Westminster School, displayed a great deal of wrong-headed but always original violence. This man threw in his lot with the ejected ministers in November 1662, but might still have been happy as Anglesea's Chaplain in Ireland. His stay there was however very brief, and in December 1661, soured with discontent—according to Wood—he was back in London to begin anew his denunciation of the Bishops and the Government. Hence a broad hint in L'Estrange's *Memento* in reference to noblemen who harboured schismatical chaplains³. Bagshawe's first offence was to mingle with a controversy where his interference was distasteful to both the principles. In December 1661 Morley and Baxter (who was still continuing his ministrations at Kidderminster), carried their feud of the Savoy Conference one step further, the Bishop forbidding Baxter to preach, as being in no sense the lawful occupant of the living. Morley published a letter on the subject which revealed the correspondence on both sides, and said many bitter things of the Presbyterians. Baxter had not intended to reply, when in December 1661 Bagshawe intruded on the field with his *Animadversions on the Bishop of Worcester's Letter*. It is well known that Morley, though Calvinist by training, stoutly opposed any real compromise at the Savoy Conference, and rejected, with some disdain, the Proposals for the Reformation of the Liturgy. His notes of objections to the Presbyterian amendments are still worth reading, but his remarks, that he saw no reason for change, nor the men that were fit to make it, must have done less harm than his interdict on Baxter from preaching at Kidderminster. Yet Bagshawe's *Animadversions* were as offensive to the latter as to the

¹ *Athena Oxonienses* (Bliss, iii., 944-50), *Fasts*, ii., 120, 166.

² *Life of Seth Ward* (1697), pp. 38-41. See also his lines 'On Le Strange' (1689), quoted in *Notes and Queries*, 3rd Series, v. 462.

³ Tragically exemplified (according to L'Estrange) in the case of Lord Russell and 'Julian' Johnson. See his *Considerations upon Lord Russell's Speech*, 1683.

Bishop, and were the occasion of an unseemly wrangle between these two eminent Dissenters¹, terminated only by the death of Bagshawe, after various terms of imprisonment, in 1671².

But to Morley's *Vindication* sprang three doughty champions, and the doughtiest Roger L'Estrange, who, not content with the Howell wrangle, his own *Vindication*, and his abuse of Baxter, now rushed in to attack as abusive a man as himself. His *Whip for the Schismatical Animadverter on the Bishop of Worcester's Letter* is neither a dignified nor even a clever performance, and the Bishop may have experienced some of Baxter's disgust at his own meddlesome champion. Whilst the *Whip* was in the Press, Bagshawe, hearing of L'Estrange's breathing out threatenings, cleverly forestalled him with a *Second Part of his Animadversions, with an answer to all that L'Estrange intends to write*. The date of the *Whip* is 7th February 1662. It so happened that Roger had had for some time in hand a more ambitious book—it deserves the name—*The Memento*, a work on the Rise of Sedition based on Bacon's famous Essay³. It was easy and congenial for L'Estrange to infuse a double portion of wrath against the meddlesome priest into the *Dedication* to Clarendon⁴. *The Memento* remained unanswered for some time, and then, on 10th May 1662, Bagshawe addressed a short appeal to Clarendon complaining of the levities and treacheries of L'Estrange. We should remark that while Roger had in the meantime cleared himself before reasonable men of the imputation of disloyalty—his appointment as Surveyor of the Press in February 1662 is warrant enough for that—it was sufficiently annoying to find the old charges re-appearing, as if nothing had been said in the matter, and

¹ Kennet, *Register*, p. 609. Baxter on Bagshawe: 'I could have wished he had let it alone for the man hath no great disputing faculty—and wholly a stranger to me and the facts, but being of a bold and Roman spirit he thought no suffering should deter a man from the smallest duty'.

² The occasion of Baxter's classic lament. 'Whilst we wrangle here in the dark, we are dying'.

³ 'Of Seditions and Troubles', No. xv. of *Essays and Counsels*. Roger probably used the 1632 edition. A second edition appeared 1682 under the title *A Memento, Treating of the Rise, Progress and Remedies of Seditions, with some Historical Reflections upon the Series of our late Troubles*. It omits the Clarendon *Dedication*, the personal matter, and the last three chapters of the original edition.

⁴ He says it would be a particular favour if Clarendon would order Bagshawe to make good his charges against L'Estrange before the Council. The date of the *Dedication* is 11th April, 1662.

that by a man who could know nothing of the facts. In appealing to Clarendon in May 1662, Bagshawe was following the example of L'Estrange's *Apology* of the preceding December, the result of which had been the office alluded to¹. Smarting under the insults of Bagshawe's *Appeal* and evidently dreading its results, Roger now addressed himself to the Privy Council in a *Vindication* of singular force and—for him—moderation. As *Truth and Loyalty Vindicated*² throws considerable light on the subject which was to absorb his energies practically for life—the licentious Press—we shall have to notice it more particularly when we come to deal with that interest. Meanwhile we may dismiss Bagshawe with a reference to the meagre details of his remaining years given in Wood, Pope, and Baxter. He had thrown in his lot with the Nonconformists, was ejected from his living at Ambrosden, Oxfordshire, in November 1662. His insolencies or faithfulness led to his imprisonment first in the Gatehouse and then in the Tower—where one regrets to say he was not free from L'Estrange's persecution³—was free in London in the Plague year, but on refusal to take the Oath of Allegiance, was again imprisoned, and still maintaining his feud with Baxter, was liberated in order to die in 1671.

If we may judge by one or two unfriendly notices, L'Estrange was generally understood to have been soundly beaten by the Puritan divine. He had found his match in vituperation.

Before leaving the subject of L'Estrange's attacks on Presbytery it may be convenient to summarise his work in this connection. Apart from Bagshawe he had inveighed against Corbet in the *Holy Cheat*, Baxter and the whole

¹ L'Estrange's *Apology* to Clarendon, 3rd December 1661, E. 187 (1) used largely in the preceding account of the Interregnum tumults.

² *Truth and Loyalty Vindicated* from the clamours and reproaches of Edmund Bagshawe, 1662. See article in *Eng. Hist. Rev.*, April 1908, *Newshook and Letters of News of the Restoration*, by Mr J. B. Williams. 'In 64 pages of verbose and vituperative narrative, Roger L'Estrange cleared himself, ended the controversy and silenced his opponent. He was now a famous writer'. This censure of *Truth and Loyalty* would in another critic scarcely argue much acquaintance with the pamphlet literature of the age. The result is correctly stated, however.

³ In August 1665 he seized in Bagshawe's cell *The Case of John Davies*. Davies was a minor Crofton committed to the Tower 20th December 1662, with the narrative of whose savage treatment Bagshawe was attempting to console himself under like severity. *C.S.P.D.* (1664-5), p. 545. This vindictive treatment of fallen enemies is the most observable vice in L'Estrange's character. See chap. xi.

crowd of Presbytery in the *Relapsed Apostate*, and the supplement to it entitled *State Divinity*¹. The fourth and greatest of this kind printed in the year in which he was formerly installed in the new office of Surveyor is *Toleration Discussed*², long remembered as the classic castigation of Dissent, and directed against the whole mass of Dissent, but singling out Calamy in consequence of a contumacious sermon preached in defiance of the Uniformity Act at his old Parish Church, St Mary Aldermanbury, 28th December 1662.

It will be seen from this list that L'Estrange attacked the very heads of the offending factions, and the men who had some claim on the gratitude of the Crown. Baxter and Calamy had been only less active than Prynne in promoting the Restoration, and Calamy especially was much courted by all parties on the consummation of that event.

All these pamphlets have a common theme though directed at different persons and with different degrees of abuse. To contest the idea that Presbytery had signally helped on the Restoration, to show that on the great question of Toleration, the enemies of the Church were hopelessly divided and did not know what to ask for, to underline the parallel between 1641 and 1661, and to draw the distinction between respectful and submissive appeals to authority and tumultuous protests, in a word to bring in the Presbyterians guilty of *faction*, through the double agency of Press and Pulpit, was the iterated burthen of these works. Numerous passages might be chosen to exemplify every one of these positions, but a brief quotation of each may suffice.

And first there is the claim of the Presbyterians that they originally helped on the Restoration, a claim which, as we saw, L'Estrange was very much inclined to encourage in the Interregnum struggles. When Republicans like Nedham, as a last move, attempted to drive a wedge between the Royalists and Presbyterians by showing that

¹ *State Divinity, or a Supplement to Relapsed Apostate*, 1661, probably November.

² Roger L'Estrange, *Toleration Discussed*, 1663. Sir Sidney Lee (art. L'Estrange, *Dict. of Nat. Biog.*), 'He seems to have re-issued at the same time under his own name *Presbytery Displayed*; a tract previously published anonymously'. But Roger distinctly says (Preface to *Toleration Discussed*) 'the author of it, I know not'. He had no reason to publish anonymously then.

the latter had been identified with all the great measures against the Stuarts, his indignation then knew no bounds. By 1663, however, things had changed, and we find him writing in *Toleration Discussed* the following dialogue¹:—

'*Zeal.* What do ye think of the secluded members?

'*Conformity.* I think a new choice would have done the King's business every jot as well; and matters were then come to that pass that one of the two was unavoidable. In fine, 'tis allowed at all hands that the prime single instrument of His Majesty's Restoration was the Duke of Albemarle.

'But if ye come to parties, the very fact appears against ye; for though all possible industry was employed to make the next choice totally Presbyterian by disabling all such persons and their sons as (in effect) had served the King since 1641, without manifesting their repentance for it since; yet so strong was the general vote of the people for the King's true interest and against all factions, that all endeavour was too little to leaven the next Convention as was designed. If ye have no more to say for the merits of your party we'll pass on to the merits of the cause'.

The second position, that the Nonconformists were divided on the subject of Toleration, is argued with an appearance of more reason. Baxter's saying 'We distinguish the Tolerable from the Intolerable'² was spoken in connection with the King's proposal of a Catholic indulgence, but the Commonwealth record of Presbytery is sufficient to show the substantial truth of L'Estrange's plea here³.

'If it be the Uniformity ye dislike, how come ye to join with the Directory against the Common Prayer; with that of the Assembly against that of the Church? In short your disagreements among yourselves are almost as notorious as your conjunction against us, and ye have given proof to the world that it is not possible for anything else to unite you but a common booty; witness the contentions, papers and

¹ First edition 1663, p. 25. This was the type of question the Burnets and Oldmixons loved to argue. See Eachard, iii., 6-7, and Oldmixon, i., 486, who reprints Baxter's remarks on the subject, in which the affair for which Love suffered and the Booth Rising are claimed for Presbytery. Page 304, 'all the stir the Royalists could make was by spiriting up mobs and mutinies in City and Camp'. Page 448, 'We are now come within a few weeks of Restoration and we yet have not a word of the Cavaliers'. See also Hallam, *Cont. Hist. of Eng.*, pp. 483 and 488. See also L'Estrange, *Double Your Guard*, 5th April 1660 (L. 1019 (19)), and *Treasons Arraigned*, 3rd April 1660, where he attacks 'the shameless beast, (who) proceeds to charge the secluded members with the guilt of the King's blood'. See chap. iii., p. 80, note.

² Oldmixon, i., 488.

³ *Toleration Discussed*, p. 44.

disputes betwixt Calamy and Burton, Edwards and Goodwin and others, not to be numbered, concerning the very point of Toleration. The desires of the Independents for a Toleration, (say the London Ministers), are unreasonable and unequal, and many mischiefs will follow upon it both to Church and Commonwealth. Rutherford tells ye that such opinions and practices as make an evident schism in a Church, and set up two distinct Churches of different forms and government cannot be tolerated. Milton again will have the Presbyterians to be ministers of *sedition*, not ministers of the gospel¹.

Again there is the eternal parallel of 1661 to 1641, afterwards extended to 1681².

Then: Among the presages of foul weather the Lord St Albans reckons 'libels and licentious discourses against the Government', etc. 'We need not run beyond our memories to argue this point, it being within the ken of our own notice, that libels were not only the fore-runners, but in a high degree the causes of our late troubles, and what were the frequent, open, and licentious discourses of Cloakmen in Pulpits but the ill-boding play of porpoises before a tempest?

'We may remember also the false news of Plots³ against the religion and liberties of the nation, and how the King was charged as an abettor of the design. We may remember how the Irish blood was cast upon the account of his late sacred Majesty even by those men whose guilty souls are to reckon with divine justice for every drop of it'.

Now: 'If we look well about us we may find this Kingdom at this instant labouring under the same distemper; the Press as busy and as bold, sermons as factious, pamphlets as seditious, the Government defamed. The lectures of the Faction are thronged with pretended converts, and scandalous reports against the King and State are as current now as they were twenty years ago'.

Lastly, and to sum up, Presbytery *is* Rebellion—the single theme of the *Holy Cheat*, the first and most violent of Roger's attacks on that sect⁴.

¹ See in this connection the excised attacks on Parliament and Presbytery in Milton's *History*—published separately by the Court in 1680, printed by H. Brome, L'Estrange's publisher. Milton was singularly little quoted by his own side and for compliments he was indebted to the other side—the usual fate of a purely rational spirit.

² The tract called the *Parallel* or *Semper Idem*, 1661, is an admirable thesis on this subject, but a doubt as to its authorship forbids quotation. See Appendix.

³ Inserted to bring it up to date, 1681. The pamphlet quoted from, is the 2d edition of *A Memento*, etc., originally published in 1662.

⁴ First edition 1661, p. 98. All these tracts were reprinted 1681-2.

‘All popular factions take the Church in their way to the State, and I am to seek whenever any Prince quitted Episcopacy and saved himself, that is, his royal dignity; for the empty name of King is but the carcase of Majesty. It is with the unruly populace as it is with raging tides, they press where the bank is weakest and in an instant overrun all. If they had either modesty or conscience, they would not force so far, if they have neither, will they stop there? What did the late King grant? or rather what deny? till by their mean abuse of his unlimited concessions, he lost his crown and life? Yet what assurance words could give him, he wanted not, words wrapt up in the most tender and religious forms imaginable. But what are words when a crown lies at stake?

‘If to be no way forward in promoting changes in the civil State be a mark of the Church, the Presbyterians are out of the pale’.

Speaking with Crofton particularly in his mind Roger adds: ‘Their reasonings are dishonourable to the memory of the late King, seditious and provoking to the people, bold and imposing in themselves, repugnant to the established law, and to the main scope of the general pardon’.

These excerpts may illustrate the view which was responsible for the persecutions of Charles II.’s reign and of the early months of his successor. They were, as has been said, L’Estrange’s title to the gratitude of the Church, but it was not till the Popish Plot crisis that he improved that title to the extraordinary degree that money was publicly contributed to him by Oxford, Cambridge, and the Judges of the realm—a fact which shows clearly the attitude of the Church to that crisis.

One thing is borne out very clearly, the fearlessness and generality of his attacks. As in the Interregnum, so now these attacks were by no means immune from danger. They fell in as has been said with that victory of Morley and Clarendon over the Southampton party, and were probably more instrumental in persuading the Government that they had overlooked a useful ally than all his Apologies, Caveats, and old Cavalier appeals. Yet the importunacy of these appeals and protests is an important element of his turbulent activity, and since the old historians, Eachard, Oldmixon, and Kennet unite in taking him as the spokesman

of this phase of Restoration opinion, it may be desirable to take up that story here.

The *Holy Cheat* had, as we saw, interrupted this side of his activities, and beyond acrid remarks in the Prefaces to his anti-Presbyterian works he did little publicly to embarrass the Government on that score. But we can imagine him mingling in company with the disappointed ones, recapitulating their grievances and setting their account of Edgehill and Naseby against the Government's mean neglect and meaner abuse. It is clear that in the meantime Roger had been received back into the Cavalier fold and the old suspicions quieted. Had their murmurings been ignored they might have died down with the allocation of the £60,000 grant in 1662¹. By Howell's indiscreet *Cordial for the Cavaliers* they were suddenly revived. When Howell wrote—July 1661—Parliament had not yet established the Loyal Officers' Fund, and it was embarrassed by the abortive Press Act and the great Uniformity Act, which Clarendon had at last introduced. Howell's own specially created office of Historiographer Royal had been bestowed in February, and Charles' gift of £200 was an ingredient of his satisfaction². In his well-meaning way he now said precisely the things to remind men that *he* at least was provided for. His recommendation of a good conscience was beneath the emoluments if not 'the dignity' of the Historiographer Royal. That the King was not long established and as yet embarrassed by poverty, that a fund was speedily to be set up to relieve the necessitous, and—the gravamen of the charge from the other side—that the King was not favouring the Commonwealthmen, and a frank acknowledgment of the fact that the King came in through the Presbyterians—these are the points of the *Cordial* which infuriated L'Estrange. 'Therefore noble Cavaliers possess yourselves in patience'. As for himself his long imprisonment and the loss of a *de jure* office spoke for themselves.

¹ See p. 93. Incredible hearthburning was caused by the distribution especially on the head alluded to by Clarendon, of the sums granted to those who did nothing for the King prior to the Kentish Revolt or even the Cheshire Rising. (*Continuation*, ii., 36.)

² Cibber (*Lives* (1753), ii., 3-4). 'In the time of the Rebellion we find Howell tampering with the prevailing Power . . . for which reason, at the Restoration, he was not continued in his place as Clerk to the Council, but was only made King's Historiographer'. So Eachard, iii., 178, 'of several parties by his practice'.

The *Caveat to the Cavaliers*, which answered this somewhat cynical consolation—the second edition, enlarged, dated 13th August 1661—starts by referring to it as ‘a well-meaning mistake’, but gradually the author lashes himself into a fury over the spectacle of ‘the City-Church Meetings like authorised Conventicles, the Pulpits profaned by unqualified and seditious lecturers, and those too chosen out of the rankest of the old Separatists, both Presbyterian and Independent’, whilst the truth is, even in respect of their boasted numbers, ‘the odds of it are at least thirty for one throughout the nation’. But what must have enraged parties most was the vehemence of his attack on the late Indemnity Act¹, which ‘makes them (the Separatists) masters in effect of the booty of three nations while the King’s active friends are beggared’. In the same breath, he denies the charge of ‘pressing on the King’s necessities’, and hints that Henry IV. of France in a similar case at least helped his ‘lame soldiers over the stile’. Bacon was called in once more to testify that ‘He who pinches his friends’ bellies, loses their hearts’, and he that advises the Prince to leave the old friends for new, is a traitor.

As to Howell’s estimate of twenty Cavaliers rewarded for one Presbyterian, ‘Count again and you’ll find a dozen of capons to one lark.’

The Presbyterian and Independent are two ravenous beasts, and there is no such sympathy (as is alleged) between them.

The vogue of *Caveat* was very great². To call it a

¹ Quoted by Hallam, *Cons. Hist.*, p. 506, note. ‘The Act of Indemnity put a stop to any suits they might have instituted. . . . They were compelled to put up with their poverty, having the additional mortification of seeing . . . the Clergy . . . not the same in their fortunes’. See also Kennet’s *Register*, p. 233, and Somers’s *Tracts*, vii., 517, 557.

² Kennet, *Register*, p. 231. ‘The Cavaliers began to complain over their being neglected. Mr Roger L’Estrange published a bold remonstrance on that occasion, August 1660, answered by Mr Jas. Howell and replied to by L’Estrange. Yet it was certainly after this month, I think in December. The writer got nothing but to be Licensor of the Press’. The above is Kennet’s marginal notice of the *Caveat* which he described in the text as ‘a notable book in favour of the distressed Cavaliers, which took so wonderfully in the nation and contained so many bold truths’. Kennet followed Eachard in his quotations from the *Modest Plea for the Cavent* as where Hancock (the preaching bookseller) prays, ‘Give the King another, a new heart, Lord’: and Mead seconds him with a word of comfort ‘ye know not what a year, yea a month, may bring forth’. See Eachard, iii., 61. Kennet is of course wrong in his year, the date of the *Caveat* being 13th August 1661. The peculiar offence of the work was that it came so soon after the King’s speech (8th May 1661) warmly recommending the Indemnity Act. From Clarendon’s remarks thereon (*Continuation*, ii., 180), we infer that he half approved L’Estrange’s indiscretion.

menace is perhaps too strong because it mingles its bitterness with an extravagant submission, offering the bosom to the Prince's dagger but threatening him with destruction out of the mouth of Bacon if he did not fill their bellies. It certainly was a most flagrant contravention of the Act of Oblivion 'maliciously reviving past differences,' and report came hot-foot that its author was lodged in Newgate.

Howell's reply bore an unfortunate resemblance in title to another *Sober Inspections*, written in 1653 in praise of Oliver. It gave L'Estrange the cue for attack in his *Modest Plea for the Caveat and its Author* (28th August 1661). Besides the exposure of Howell's loyalty, the *Modest Plea* addressed itself to another, and, to the Court, more grateful theme—the manufacture of sedition by Press and Pulpit—'Not a day that passes without seditious lectures in the City'. Mead's lecture was noted with its significant phrase 'Ye know not what a month may bring forth—and with such an accent upon *month* that upon my soul, I thought it related rather to the timing of a plot'¹.

Francis Tytan, the Commonwealth Stationer and lately made one of the two printers to the House of Lords, incurs our author's anger for 'dispersing treason since His Majesty's return, for there's a combination betwixt the Press and Pulpit to do mischief'.

Before leaving this subject it may afford some amusement to quote Roger on the subject of these furies twenty years later, when he enjoyed the full favour of the Court and could then adopt Howell's satisfied attitude. In *Observer*, No. 201, vol. i., August 1682, occurs the following dialogue which shows the longevity of the Cavalier's complaints:—

'*Tory*. Are there some of the late King's servants whom his present Majesty has not had either the means or the opportunity perhaps in any remarkable way to oblige? This does not, however, derogate from the King's gracious inclination.

'*Whig*. Well, but I know scores of these old Cavaliers that have changed their principles no more than the sun does his road, and yet at this day they are accounted as arrant Whigs² and seditious rascals.

¹ *Modest Plea*, p. 6. The date of the *Modest Plea* is 17th September 1661. 'Report speaks me a prisoner,' says Roger, for his *Caveat*.

² See *Memoirs of the Earl of Ailesburg*, i., 6, already quoted. 'Whigism really sprung by degrees from the discontent of noble families'.

'*Tory*. Upon the main I cannot find one instance that suits your purpose, but if men will go off upon animosities and piques or disappointments, who can help it'¹?

Truly there were now a dozen larks to one capon!

In *Observer* (1289) he returned to the same subject. This time *Trimmer* asks:—'What snarling pamphlet was that you wrote against the Court and Ministers, the Act of Idemnity, the King's Declaration touching ecclesiastical affairs? It was against Howell soon after the Restoration.

'*Observer*. Alas for the hand of ye, it was the *Caveat to the Cavaliers*, and there were some other papers of *Observers*² upon several fanatical libels of these days against Church and State'.

Amongst the group of satisfied Cavaliers was Sir John Birkenhead, who naturally saw much cogency in Howell's *Cordial*. Besides he nourished a jealousy of the younger man. Aubrey has described Sir John as 'exceedingly confident and witty,' but 'not very grateful to his benefactors'³. His heaped-up honours at the Restoration, and after, caused him to dislike the murmurs of less fortunate men. He was one of Howell's defenders and suggested publicly that L'Estrange should be sent to Bridewell and whipped⁴. Sir John's record of loyalty seemed as good as any man's—having lived in a poor way at Oxford and refused all compliance in the Commonwealth—though he had scarcely exerted himself as much as Howell and L'Estrange during the Interregnum. L'Estrange did not hesitate to suggest that Birkenhead had also played the traitor to Oliver⁵. This is perhaps worth noting merely as another instance of the reckless charges thrown about in the settlement of these long accounts—the process which gave such pain to Clarendon.

¹ On the whole, Musgrave (*Character of* (1696), chap. ii., introd., quoted Oldmixon, i. 693) seems justified in saying 'The Cavaliers were some of them very well pleased, others as highly disgusted according as he (Charles) answered their expectations'.

² *Holy Cheat*, etc., 1661.

³ See Wood, *Athenæ*, iii., 1203.

⁴ *Relapsed Apostate*, introd. 'A Justice (Birkenhead) that . . . would have had me whipped'.

⁵ *Ibid.* 'What! Sir John B—, too. Your most humble servant, sir. Can you tell me whether old Oliver's physicians or his Intelligencers had the better trade on't. . . . I am told that he (Birkenhead) and Barkstead (the regicide) were formerly fellow-servants, and conferred notes. Now this same Barkstead laid that very law to me; he told me that I was a Fidler, and that a Fidler was a Rogue by the Statute'.

The *Relapsed Apostate*, the introduction to which bears these charges, is dated 14th November 1661. A week or so later L'Estrange received at Westminster Hall the private apologies of a gentleman who confessed to having conveyed to Clarendon the slanderous story of Roger's pension.

'L'Estrange' (says he), 'I am glad to meet you, for I'm unquiet till I've told you something, which both in honour and in conscience I think myself obliged to acquaint you with'. He then proceeded to explain that Captain James Whitlocke, 'a Knight of Cromwell's', had told him the story of the £600 pension first. Clarendon's reception of the news was 'charitable, considering the suggestion, but as related to my innocence *it was sharp and cruel*'. Hence the cloud of suspicion which surrounded him at Whitehall, and hence on the 3rd December 1661, his *Humble Apology to Clarendon*,¹ wherein he demanded to be put on trial for his life. This *Apology* merely recapitulates in four or five pages the heads of the long story told in the earlier *Apology*. The apologist afterwards stated that Clarendon gave him his word that he never suspected he could be such a knave, and 'from that day to this,' says the *Observer*—but inaccurately—'no mortal has ever offered a syllable in contradiction'².

One distempered mortal called Bagshawe, as we saw, did six months later³ repeat the old scandals and to the same high authority in a reply to Roger's *Memento* (April 1662). The motto of this last work, *Sic canibus catulos similes*, introduces a vicious attack on Bagshawe's personal character, besides defending the author from various charges. The pension story had only been scotched by the *Apology to Clarendon*. Captain Whitlocke was repeating the story and offering evidence on the points. Like the former defence, the *Memento* is dedicated to Clarendon, 'under whose roof I have formerly received so many, many benefits', and reminds the Chancellor rather boldly that 'it is not for a man either of my nature or condition to thrive by begging'. At the same time he enlarges the scope of his attack to include, though cautiously, the Earl of Anglesea for harbouring Bagshawe, who he prays may be ordered before the

¹ E. 195, 625.

² But so late as 31st March 1663 we note that Birkenhead charges L'Estrange before the Commissioners for Indigent Officers with 'writing a book against the King, which Roger L'Estrange denies and offers to prove his denial, if permitted in regard of Sir John's privilege as M.P.' *C.S.P.D.* (1663-4), p. 92.

³ His *Apology to Clarendon*, June 1662.

Council to substantiate his charges. For the last time the writer reverts to the pitiful condition of the Cavaliers and the swelling state of their enemies¹.

'Did but his Majesty walk the streets as we do to overhear the whisperings and the murmurs, to observe the various passions of the people to see the stand they make'.

'That's he', says one, 'that brought me to a Council of War because I would not march against the King at Worcester and now he's so and so. There goes another that condemned me upon the King's account, and he's in such and such an office'. These are brave, jolly fellows, but before this wonder is over, up comes two or three perhaps of the saddest spectacles a man's eyes can look upon; they have scarce strength enough to move, nor cloth enough to hide the scars they have received in the King's service.

'Do you see that sickly man? (cries one) He is a gentleman that has spent his fortune for his Majesty; that very Colonel that goes before, he was sequestered and plundered'².

When Roger wrote the danger point was over and himself in a—though rather humble—office. The policy of the Court had swung round nearer L'Estrange's position. The Uniformity Act was in operation, though the guillotine did not fall till St Bartholomew's Day of this year. The £60,000 fund for 'the sickly man' and the 'Colonel' of L'Estrange's quotation was presently to be passed through the House. The policy of keeping the Cavaliers out, on the assumption of their inviolable loyalty, had received a slight check. Questions had been asked in Parliament as the

¹ 'Charles II.', says Bohun (*Diary* by J. Wilton Rix (1853), p. 127), 'had them all under his feet and the nation so far incensed against them that if he had but left them to their destiny, the public hatred would have plumed them to their bones. . . . But then all was sold for money and that they might not despond, pensions were underhand paid them when those that had spent their estates in his and his father's service starved in his Court'. See also *H.M.C.*, 5th Rept., p. 105. 'As yet men of my loyalty have only our mouths filled with laughter and our hearts with heaviness'.

² (cf. also Capt. Chas. Hammond's *Troth's Discovery*, 1664 (Somer's *Treats*, vii., 557): 'I believe we have been a table-talk in most parts of Christendom these three years past, but much more since our Dividend of indigent money hath been allotted us; not 6 weeks' pay for 6 years' service and 16 years' suffering'. The Humble Representation of the sad condition of the King's party (*ibid.*, 517) asks that 'for such soldiers . . . as are old, maimed, without calling or stocks to exercise them, provision may be made'. On the other hand others got too much. See Marvell's (?) *Seasonable Argument*, etc., 1677 (chap. vii., 221): 'Sir John Bennet has got of the poor indigent Cavaliers' money £2,600'. Sir John was Treasurer of the fund. See also Introduction to *C.S.P.D.* (1661-2), pp. 8-9 for *The Humble Remonstrance and Complaint of Your Majesty's Royal and Legal Party*.

result of L'Estrange's agitation. Already he was a familiar figure at the Secretary's office—naturally at that of Nicholas rather than that of Morrice. He still haunted Westminster Hall with his discoveries of libels and clandestine printers. He awaited the passage of the delayed Press Act to come into regular office.

He had talked and talked, raised a storm over the treatment of his fellow-Cavaliers, and done such execution on the Presbyterian leaders and their allies in the Press¹, that his name was now prominent on the list for advancement. He had shown much boldness, and whilst always professing an almost abject loyalty, had not trifled with what he conceived to be the truth. He had called on the Crown to do what Charles had made a show of avoiding—to become the King of a party rather than of the nation². Twelve years later the same Cavalier councils prevailed in Danby's Government in alliance always with the Church. It was said then that the old Cavalier had now become very ancient and pious, a fit instrument for the tyranny of the Church.

¹ Besides his attacks on Crofton, Bagshawe, Calamy, etc., he urges the arrest of 'Wm. Jenkins, of Christ Church, London'. Macaulay has noticed his savage jeers when in 1684 Jenkins was released by death. See *Truth and Loyalty*, p. 26, where L'Estrange quotes a sermon of Jenkins' dated 24th September 1656. Such was his notion of the Indemnity Act!

² Eachard, iii., 6. 'The King to show that he would not reign over a party of his subjects, thought it proper to reward several, who had been enemies to his father and himself, and at the same time set aside many loyal subjects who had been illustrious sufferers.' But 'the pretenders were as many as the real sufferers'. 'The King himself was obliged to act as the head of a Party, a disagreeable situation for a Prince, and always the source of much injustice and oppression'. Hume, *Hist. of Eng.*, viii., 167.

CHAPTER IV

THE BLOODHOUND OF THE PRESS

WE have already touched on the license of the Post-Restoration Press, but in order to understand how Ministers viewed excesses of this sort, it will be necessary to relate very briefly the history of previous legislation on the matter.

This has already been done so far as the enumeration of Statutes and Ordinances goes, by various writers, but an intimate sketch of the History of the Stationers' Company in their relations to the Government and the Surveyor remains to be done¹. As is to be expected the seventeenth century is prolific in documents printed and other, relating to this subject, but most of these have the bias of party or interest, while later writers, like Hallam and Macaulay on the one side, or formal writers like Wilton, Rix, and Tymperley on the other, either content themselves with speculation or a bare enumeration of Statutes. The more modern labours of Arber and the work of Mr J. B. Williams do more to supply the gaps in our knowledge, but the former has quarried out a vast heap of information with little attempt at a connected narrative, and the latter is confined to too narrow a period and subject to do more than prepare for a more general history.

Our literature on this subject is therefore, though often well-written and informative, on the whole unsatisfactory. While apart from formal attacks, the seventeenth century 'Whiggish' literature is saturated with complaints and gibes against the 'padlock of the Press', and the equally grievous monopoly in books, the eighteenth century, scarcely sure of its liberty in this direction, delivers from time to time nervous attacks on the old system associated for all time with the

¹ For a list of writers on this subject see Appendix.

name of L'Estrange, and attributes the blessings of the Revolution to the enlightenment produced by the defiance of the 'brave assertors of English Liberties' in the Press. The alarming growth of deism towards the end of the seventeenth century associated with the names of Toland, Tyndal, and Shaftesbury revived the question of a Restraint for a year or two¹. By the late eighteenth and the nineteenth century the matter had almost entered the antiquarian stage, but the alarm created by the French Revolution and the spread of Atheism provoked certain prosecutions on the part of the Government which recall the worst days of Charles II. and his brother. We have lived to see printers convicted to-day for seditious printing on a panic libel law dating from those alarming times². An event which induced Southey in the nineteenth century gravely to propose the Repeal of the Act of Toleration might have been expected to arouse the latent re-actionary feeling on the topic, which never quite dies out. Even to-day the example of a Press Law in India causes sober persons to regret the absence of such a measure in England, while the proposed withdrawal of the Restraint on the stage—not quite a parallel it may be admitted³—causes a good deal of misgiving. The one element, however, which after 1694 is not again seriously proposed, is the part in which Hallam held that the real Restraint resided—the *Imprimatur*⁴. Nor to-day could such a bar be set up. Even in the case of the less prolific drama, those who wish to study the inevitable difficulties and evasions of a seventeenth century licenser, cannot do better than compare the evidence of the late stage licenser before the Committee of Summer 1909, with Bohun's *Diary* and the accounts of L'Estrange's various appearances before similar committees.

¹ See *Gentleman's Magazine*, April 1738. Essay on the Press—'The Revolution may be justly said in some degree at least to be owing to the communication of knowledge by the Press whilst under a licenser, and yet this clog was not taken off it till it expired of itself, and even then great pains were taken to revive it'. For the 'great pains' see Hallam, *Cons. Hist.* (1879), p. 719.

² The reference is, of course, to the trial of the 'syndicalist' printer Bowman convicted in March 1912 under the old Statute.

³ Though its imposition caused the alarm which called forth an edition of *Areopagitica* in 1738.

⁴ *Ibid.* 'The liberty of the Press consists in a strict sense merely in an exemption from the superintendence of a licenser'. See for example the draft of a proposed Bill for Regulating the Press, 1698-9, repeated substantially in another attempt in 1706. *H.M.C., New Series*, iii., 271. Every feature of the old Statute is retained save the *Imprimatur*.

The absence of Press Law did not, as we shall see, leave the Government powerless to deal with the matter. In the Seventeenth Century, it is again and again insisted on by judges and others, that the Common Law can deal with offenders, and the Eighteenth Century so teems with successful prosecutions that men asked if the Press, what with the new taxes on paper¹, what with general warrants and the still undefined law of libel, had gained much by the Repeal of 1694. The General Search Warrant, the ugliest feature of the Restraint in the Seventeenth Century, remained over far into the Eighteenth Century. Monopolies, on the other hand, had certainly disappeared, at least in the outrageous form of the previous age.

From these three features of the Restraint, viz.: the *Imprimatur*, the General Warrant, and Monopolies, the History of the Press on its penal or prohibitive side may be read. If we add legislation or orders to restrict and govern the printing and bookselling fraternities, we have all the elements argued in our huge mass of literature on the liberty of the Press.

Conceived from its introduction in the Fifteenth Century as the King's express monopoly, no one predicted for printing such a position of national concern as it soon assumed. It was certainly as easy in the first century of its existence to think of it as Crown property, as it was in the Seventeenth Century to look on the Post Office as the property of the Duke of York, to be farmed out as he chose. Both these 'late inventions' speedily assumed great proportions, but from its nature the latter has nominally remained with no dissentient voices what it was from the first, while already by the time of the Reformation, we find a good deal of chafing against the Royal prerogative in the Press. The Reformation, the counter-Reformation, and marriage of Philip and Mary, and the Mar-Prelate controversy are events of capital importance from the point of view of the Press in the Sixteenth Century. They let loose angry feelings which demanded a public expression that only the 'late invention'

¹ Defoe, Preface to 7th volume of *Review*. 'If such a design (the tax on public papers, 1711) goes on it will soon appear whether it be a proposal to raise money or a design to crush and suppress the papers themselves'. See also Addison's *Spectator*, No. 445—'A sheet of blank paper must have this new *Imprimatur* clapt upon it'. Professor Henry Morley (ed. of *Spectator*, p. 636, note) has some interesting remarks on the Press.

could give¹. 'In the reign of Henry VIII.', says Hallam, 'when the political importance of the Act of Printing, especially in the great question of the Reformation, began to be apprehended, it was thought necessary to assume an absolute control over it, partly by the King's general prerogative, and still more by virtue of his ecclesiastical supremacy'.

Pemberton in the famous law-suit of *Seymour v. The Stationers*, 1678, affirmed the Royal control of the Press from the date of its introduction². The lawyers who approved or 'exemplified' the various orders of the Stationers' Company, founded their authority on the Press Act of 19 Henry VII.³

Mr Wilton Rix goes still further back in referring such restraints to the Council of Trent, and therein follows the lead of Milton, Blount, and other hot champions of liberty in the seventeenth century, who desired to connect the Restraint with the horrors of the Inquisition. On the other side, an anonymous writer in William III.'s reign, who desired to see the Act revived, complains that 'before the reformation, 1517, printers devoted themselves to printing the ancient MSS., or books written by the great men of those times for the promoting learning, the printers then being learned men and excellent judges of books and the art not degenerated into a mercenary trade, and whilst this continued, there was no need to regulate the Press. In England, after the Reformation, the terrible havock of unlicensed printing on the Continent (especially Holy Leagues and Martin Luther quarrels) were of slower growth . . . things were well kept under till 1640, and it is well known the calamities the nation groaned under between that and 1660 were mostly caused by a lawless liberty of the Press'⁴.

¹ Printing was adjudged a 'new invention' down to 1678. 'The Lords in the resolution of that case (*Atkins v. Stationers*—law monopoly) relied upon this that printing was a new invention, and therefore every man could not by the Common Law have a liberty of Printing lawbooks'. *Modern Reports* (1683), pp. 256-7.

² *Ibid.* 'The exorbitancies and licentiousness thereof has ever since it was first found out been under the care and restraint of the magistrates. In England it has from time to time been under the King's own regulation'. As late as 1 Jac. 2 (*Case of Stationers v. Parker, Viner*, xvii., 208) the Royal prerogative was argued on the ground that 'it was an art introduced by the care of the crown'.

³ See the Press Statute in 19 Henry VII., quoted in the Stationers Orders and Rules, 1678, 1682, and 1684. Arber, *Transcript of the Stationers' Registers*, i., 4-20. Yet 'we find no attempt on the part of Henry VIII. or his son Edward VI. to harass the printers as such'. (Bignmore and Wyman, *Bib. of Printing* (1884), ii., 120.

⁴ *Tenney MSS.* C. 739, 141. See Mr Augustine Birrell's *Seven Lectures on the Law and History of Copyright* (1899), p. 49, where he quotes M. Renouard (*Traité des Droits d'Auteurs* (1838), i., 29-30) to show the reasonableness of this early view of printing 'au moment où la pensée c'était la guerre'.

In Edward VI.'s reign began the system of monopolie in all manner of primers with a view to enforce conformity to the Book of Common Prayer¹, a monopoly for which printer Seres suffered in Mary's reign, though Elizabeth handsomely compensated him by setting up in his family the most extensive and detested monopoly of the reign. Mary not only set up the Stationers Company (the Society had long enjoyed an informal existence²) but attempted by an Act in her last year to 'gag the Press'. It has been denied that she was animated in this matter by particular religious animosity, but if she was scarcely awake to the possibilities of the 'new invention', her sister was under no such delusion. The reign of Elizabeth is marked by an ever-tightening grasp of the Press, and all later legislation is indebted to her initiative for Press forms and terrors³. In 1559 a Proclamation⁴, in 1566 a Star Chamber Ordinance attempted to crush what soon appeared in the quarrels of the sects to be a grave nuisance. The Mar-Prelate controversy gave a new importance to the matter⁵ and was the cause of Whitgift's Ordinance of 1586, which not only re-affirmed the *Imprimatur* of the earlier Proclamation, but limited printing to London and the Universities⁶. The Stationers Company began now to assume great importance, and the authority delegated to them by Mary was by this Ordinance largely increased by rights of search, which, however, were often frustrated by the interference of the civic rulers of London. These rights were the subject of much subsequent

¹ See Strype, *Memorials*, i., 378 and 504, and *Egerton Papers* (Cam. Soc.), 138, 9.

² Mr R. C. Kivington's Essay on the Records of the Stationers Company, in Arber's *Registers*, v., 11.

³ Hilger (Joseph, *Der Index der Verbotenen Bücher*, Freiburg, 1904 (pp. 206-21)) is thinking of this reign particularly when he says, 'Wie in keinem andern Lande sind die englischen Zensurgesetze mit Blut geschrieben'.

⁴ Arber, i., Introd. 'Printers regard not what they print, so they may have gain', the refrain of so many enactments and orders.

⁵ Martin, *Books Privately Printed*, p. 16. 'In the reign of Elizabeth a private Press was erected at Wandsworth when the Presbyterians established in 1752 a Presbytery "the first-born of all Presbyteries in England"'. He quotes Collier (*See. Hist.*, vol. ii.), 'This junto published a great many venomous pamphlets under the disguise of Martin Mar-Prelate', and D'Israeli (*Quarrels of Authors*), 'Never did sedition travel so fast nor conceal itself more closely'.

⁶ 'This intolerably harsh enactment' (Bignmore and Wyman, ii., 121). Sir John Lamb, Dean of Arches, 1637, remarked that 'the Decree (of 23rd June, 1586) doth not appoint any certain number of Master printers but leaves it to his Grace's (of Canterbury) pleasure or the Bishop of London, who when either of them please may (together with 5 more of the High Commissioners) allow any free and able printer to work as master of his trade'. Arber, *Registers*, iii., 704.

recrimination on the part of the monopolists who before exercised them, and indeed until the expiry of the Act in 1679 claimed coincident authority with the company. The sad effects of the executive power in the company of Stationers, from Queen Mary to the time when, 'the Company obtained a decree of Star Chamber to invest the executive power of Printing in them against the Patentees' is the burthen of Richard Atkyn's *Original and Growth of Printing*, 1664. And indeed the Stationers in the seventeenth century were so deeply involved in struggles against crown-monopolists, that a law officer was regularly retained by the company. At the same time several of these were also great men at Stationers Hall, and when we come to examine the methods employed by Charles after the Great Fire to subdue the license of the Press and in despair of the Act, we shall find that they resolved themselves into an attempt to intrude these loyal monopolists into the governing body, and so effect what Atkyns and the others desired, viz., a return in effect to the state of things which prevailed before the Star-Chamber decrees of 1586 and 1637.

Many Ordinances and Acts of Elizabeth created and protected monopolies, and James' rule, the golden age of monopoly, continued the practice¹. But he made the Stationers Company the greatest monopolist. 'The reign of the peaceful James', says one writer, 'seems to have been little disturbed by the products of Private Presses although the work of Vorstius, *De Deo*, published on the Continent, which was publicly burned here, gave him considerable uneasiness, and was the subject of long diplomatic correspondence². The reign of his unfortunate successor has been well described by Johnson as "the age of pamphlets"'.

If James' reign was peaceful, it had hardly closed before the Government was confronted by as serious an irruption on the part of the Press as had called forth the Decree of 1586. With the fanatical rigour which characterised him, Laud, as Bishop of London, set himself the task of silencing the Bastwickes, Burtons, and Prynnes, and in the event was

¹ Seres' monopoly was extended in 1571, and in 1591 passed to his son. For example, the law monopoly so fruitful of later troubles is granted (7th Eliz., 6) for 7 years to Totell, 20th Eliz., for 30 years to the same, 41st Eliz., for 30 years to Wright and Morton, and 15 Jas. 1., for 40 years to John Moore. See Arber, v., 57. The Statute 21 Jac. I. protects the patentees.

² Martin, vols. xiv. and xv. Hilger, *op. cit.*, cites several other cases in this reign.

accused, as L'Estrange was later and by the same people, of allowing 'popish' books to pass¹, while his secretary Heylin extracted from the works of Prynne such innuendoes as brought the latter and his comrades to the pillory². But the Ordinance of 1637, while regarded generally as the coping-stone of this rigorous policy³, was taken by others and especially the patentees to mean (as indeed it did) the continued augmentation of the power of the Stationers, and while we find the Restoration tract *The Press Pressed and over-Pressed*, looking back to the Ordinance as introducing the Golden Age of the Press, we find Atkyns affirming that thereafter 'the pamphlets began to fly about like lightning'.

To the latter the jurisdiction of Council and Star-Chamber was necessary and the Act of 17th Car. I. which took away that authority brought in the second deluge.

There is indeed a singular parallel between the years 1637-40 and 1677-80. Putting aside Atkyn's jaundiced view, there was in each case, after a display of energy and repression, a period of comparative calm, broken in the one case by the Civil War, in the other by the Popish Plot. Both lead up to factious Parliaments, which swept away previous restraints and endorsed the view that such restraints were aids to Popery. Moreover there was an attempt in 1680 to do what the patentees desired, to revive the authority of the Star Chamber and Council in the Press by transferring their precedents and powers to the King's Bench, an attempt which, despite Parliament's rigours towards Scroggs and Weston, was not unsuccessful, and which in the failure of these prosecutions left a heritage of tyranny to the next age⁴.

¹ See *Printer's Complaint*, 1629 or 1630, that Laud and his Chaplains monopolise the surveyorship of the Press and allow only Popish books to pass.

² For the extraordinary circumstances of this case see *Documents Relating to the Proceedings against Mr Prynne* (Cam. Soc.); especially No. 4, Prynne to Laud, p. 19. Printer, author, and *licensor* were punished, 'for an author who taketh upon himself to write, ought to be a man judicious to understand what he writes'.

³ 'One of the most atrocious laws ever enacted in this "land of liberty"', Bignmore and Wyman, ii., 122. It ordered a bond of £300 to be entered into by all printers, the point which L'Estrange's efforts were chiefly directed to enforce.

⁴ *Gentleman's Magazine*, April 1738. Essay on the Press. 'By these means (i.e., of Sir George Jeffries, etc.) we now enjoy the fruits of these blessed endeavours which were made by Charles II. and James II. for reviving in another shape the great tract of prerogative of the Star Chamber by transferring its powers and precedents to the King's Bench'. See also Hallam, *Const. Hist.* (1879), p. 613. In the famous debate on the conduct of the judges 8th December 1770, it is of some interest to remark that whilst Fox said 'The Judges are blameless', Burke said, 'All judges are but men'. *Parl. Hist.*, xvi., 1264.

The Commonwealth Parliament soon found that a Free Press was a luxury they could not afford, and far from the twenty years confusion being a period of liberty, it is rather characterised by greater severity. The *Imprimatur* which Hallam took to be the essence of restraint, was in 1643 handed over to a number of Puritan divines¹ who exercised their duties with as much rigour as the old Episcopal licensers, and affronted the Levellers and Independents by the same highhandedness and intolerance which had swept away the former. The natural result of the Independent triumph of 1649 was the setting up of new licensers under Bradshaw's Act, but again the old trouble of licensing appeared. The three general licensers could not overtake the work². In 1652, 1656, and in 1658-9, the authorities were called upon to put the Act in operation, and whilst Cromwell lived a certain severity prevailed, but his son's accession, as we saw, brought confusion worse confounded, and the Council vainly called on Scot and Tichborne and London's magistrates to put down the nuisance³. By April 1660, we saw, the danger of publication had slipped to the other side, and just before the Restoration, Prynne was appropriately chosen by the Commons to draw up an Act which should once for all deal with the matter.

The real trouble in the Commonwealth, as in later periods, was to be found in the *Imprimatur*. The twelve clerical licensers set up by the Ordinance of 1643 and the three by that of 1647 were unpaid. There was especially in 1647-9 a real feeling that the restraint was pernicious, and this was inflamed by Royalist writers then remarkably prolific. In May 1649 Gilbert Mabbot resigned on conscientious grounds⁴. The Stationers complained of the inadequacy of the three licensers who neglected their honorary task. When the matter was taken in hand at the Restoration, no provision was made in the Act (1662) for payment of licensers, and it therefore devolved on the Government to make provision for the Secretary's nominee. As the Episcopal licensers gradually restricted themselves to licensing works of pure theology, the vast duties of the post

¹ Bigmore and Wyman, pt. ii., p. 22. *Parliamentary Papers*, No. vi., give a list of the licensers.

² See the Stationers' Petition, 20th December, 1648. *H.M.C.*, 7th Report.

³ *C.S.P.D.* (1659-60), pp. 343-4, 2nd February 1660.

⁴ Claimed by one of Milton's first biographers, Toland, as a convert to *Areopagitica*.

accumulated, and though the importunacy of L'Estrange, we shall find, made the post actually lucrative, the rock on which contemporary and later licensers split was that of undefined remuneration for impossibly arduous duties¹.

One class which had gone down the torrent in 1640 now clamoured for restitution. To the Patentees the late troubles seemed the chaos resulting from the license of the Press of which they were the natural guardians. Like the Churchmen they awaited impatiently their Restoration, their Act of Uniformity which should eject the present usurpers. But they had no zealous Parliament to force their claim, and many were doomed to hopeless petitioning for favours already in the possession of those whose retention of them was, according to the early policy of the Court, deemed expedient.

Of the three parties, patentees, printers and booksellers, the first were concerned with the restoration of their interests and a protective clause in the new Act. They got this, but individuals like Norton, Atkyns, and Seymour had to fight hard in the Law Courts for their individual patents. To decide between the more general rights of the Stationers' Company and the particular copies of the Patentees was the delicate work of the Courts. The Printers were left as they had been in a miserable way still sighing for freedom. They had been the first to petition against the monopolists in 1641². Their best fortune was to have no restraint on the Press at all. Hence—so the Stationers said—their opposition to the new Act of 1662³. That being ineffective, they preferred a strict Act⁴, which should have the effect of turning them, as in 1637, into a closed select corporation,

¹ L'Estrange said he took no fees for licensing, but then (apart from much evidence to the contrary) he also said that the *Newsbook* yielded no profit. *Tanner MSS.* C. 739 (141) c. 1692.—The Copy of Reasons for Reviving the Act, etc., already quoted. 'As to the licenser there is no office employed by the Crown which is not better paid considering his great labour and hazard'. The writer proposes a fine of 8d. on unlicensed books, or a sum for each book licensed 'the omission of which in the Act is one of the greatest defects'. One reason, no doubt, for the continued restraint on the theatre is that the licensing though arduous can still be accomplished by one or at most two officers.

² Bigmore and Wyman, ii., 122; *Parl. Papers*, i. and iii. Petitions of Printers, etc. against Monopolies.

³ *H.M.C.*, 7th Report 154*a* Petition of Stationers, 17th January 1662. 'The great design of these Printers is to obstruct the passing of the Bill and to gain to themselves the estates of Petitioners and others'.

⁴ Bigmore and Wyman, ii., 126; *Parl. Papers*, xvi. Case of Free Workmen Printers (1662-5), i., probably belongs to the later date, for it complains that on the expiry of the Act (two years) the Printers had increased to 70.

and for this end, freedom from the tyrannical Stationers Company (whose great men were booksellers, not printers), and, if possible, separate incorporation was their demand¹. Between Patentees and Stationers, they were in wretched plight and did not hesitate to say that their oppressors encouraged the illegal increasing of their numbers, so that they might have them more at their mercy. The author or scholar was still more at the mercy of the proud Stationer, who dealt with his copy as he liked and played on him all manner of tricks and rogueries².

Such was the condition of parties in the Press when a new stream of sedition warned the Government to hurry forward their Press legislation.

Those who thought that with the return of Charles to Whitehall, a peace had been declared in the Press, had little knowledge of how repugnant that event was to a fairly large and desperate section. Chapman and Nedham had fled, and of 'brother Brewster'³ we hear nothing, but many men lay low during the Restoration month—and hardly so long—awaiting the moment when the Presses would once more hum with sedition, whilst the great party of Presbyterians were only waiting inevitable disappointment and the proscription which was bound to come, and was perhaps hastened by such attacks as those of L'Estrange referred to, before they too would betake themselves to speak from the Press what they could not speak from the pulpit.

We have seen that L'Estrange's attacks on prominent Presbyterians were a running commentary on their present behaviour viewed in the light of their ambiguous past. He had noted the tears shed for the burnt Covenant, manifestations of tears about to be shed for the Regicides, and the publication of such things—almost in the week of the King's landing—as Dr Manton's *Smectymnuus Revived*, and worse still, Douglas' old sermon preached to Covenanted Charles at his Coronation at Scone in 1650. There were also the works

¹ A demand sternly opposed by L'Estrange. See his *Considerations and Proposals*, etc., chap. v., p. 133. It is difficult to reconcile Professor Arber's selection of the Printers as the most enviable body of men with their constant cries of oppression. See Arber, *Register*, v. xxix. Also Mrs James's (17th January 1704) *Reasons that Printing may not be a Free Trade*. 'At the first beginning of printing the whole trade centred in the printer'. Her view, like that of Atkyns, is selfishly monopolist.

² George Withers, *Scholar's Purgatory* (Spencer Society, 6th collection, pp. 62-6); and Arber, *Register*, iv., 13-16.

³ Desborough's letter to Chapman quoted chap. ii.

of the gloomier fanatics *God's Loud Call*, and a dozen things which conveyed by their vague and prophetic rhetoric the most fearful auguries to ignorant and enthusiastic readers.

When, therefore, the Government introduced its Press Bill in the same session that saw the Uniformity Act passed, there was a clamant case for its speedy passage. The vital connection between seditious printing (in the metaphor of the day the 'feminine part of revolt') and insurrection was impressed on rulers whose nervousness on this head during the winter 1661-2 is abundantly shown in the examinations of the Tonge and Venner conspirators, and the messages of alarm which passed between the two Houses and the secretaries¹.

Yet the Act introduced in 1661 was defeated on a scruple of the Lords, who demanded exemption from the clause which empowered the Press Authorities on an ordinary secretarial warrant to search for seditious books².

It has been said that L'Estrange was consulted in regard to this abortive Bill. If the draft of proposals in the document preserved in the Record Office³ is anything like the Bill introduced, it is extremely unlikely that he had anything to do with it. For though the penalties proposed there are sufficiently severe to be of his suggestion, the setting up of twelve of the Stationers Company to be chief inquisitors of the Press was utterly repugnant to his views of the Stationers perfidy, and would besides preclude his chances of a coveted office.

It is unlikely therefore that 'he must have been consulted with regard to the proposed Licensing Bill', but the papers which seemed to accompany this 'Abstract of a proposed Act'—that is, the 'Proposals for preventing, discovering and surpressing libels humbly submitted to authority by the Surveyor of the Press'⁴—is undoubtedly his, though it seems

¹ Burnet (*Own Times*, Airy's edition, i., 326) has suggested that these alarms were purposely fomented by the Government to excuse their harsh policy to the Dissenters. See Euchar, iii., 61; *Parl. Hist.*, iv., 224, 226, also Mr Airy's note on the passage referred to.

² Almost the most vital objection to such laws. Not all Milton's indignation based on the rights and dignity of human nature could shake the *Impreciator*, but Locke's cunning appeal to the Lords on the inconvenience of the Search Warrant was successful in inducing them to allow the Act to expire in 1694.

³ Dated in the *Calendar of State Papers*, July (?) 1661. The writing is not L'Estrange's.

⁴ L'Estrange was appointed Surveyor on 24th February 1662. *S. P. Dom. Cor.*, ii., 51 (6). See art. *Newshooks and Letters of News of the Restoration*, by Mr J. B. Williams (*Eng. Hist. Rev.* April, 1908).

from the word 'surveyor' to belong rather to February or March 1662.

Besides these papers there is obviously belonging to the same date, and by the same hand, a collection of extracts from Commonwealth sources between 1644 and 1654, censuring the present King, the young 'Tarquin' of *Mercurius Politicus'* playful fancy. The proposals referred to above are instinct with that suspicion of the Stationers which makes it almost certain that the Draft Proposal of the Act is not his. The most rigorous bonds and oaths to be entered on by every freeman of the company are accompanied by a Bye-law 'to oblige the Company to see their own bye-laws put in execution'. The Surveyor also demands a general warrant such as the King's Printers have had for twelve years without any clamour. He proposes for his emoluments—(a) The printing of all narratives and Intelligence not exceeding two sheets of paper; (b) A monopoly of all bills and advertisement which he licenses¹; (c) 1s. a sheet on all other books.

Needless to say these not very modest wishes were ignored, as was also the request for the Search Warrant—a perilous thing to grant at any time, and especially to a Secretary in the spring of 1662.

The loss of the 1661 Bill seems to have considerably annoyed ministers during the nervous winter 1661-2, and as it was the period when L'Estrange never ceased to trouble them with new alarms, there was a resolution to get a new Bill rushed through at the earliest moment. Even so early as 1661 it must have been troublesome to a secretary to have printers lying in jail whom only his commitment—a poor legal argument—could keep there.

It may be remembered that on 3rd December 1661, L'Estrange published his *Apology to Clarendon*, which, besides pleading his own case, made a powerful exposure of the illicit Press. He had in his mind particularly a most important discovery, the result of his own unrewarded vigilance in July and August of this year—that of the 'Confederate' Printers of whom we shall hear more presently.

Between the *Apology* and May 1662 (the date of the *Memento*) the question of employing L'Estrange, probably

¹ *S. P. Disp. Cur.*, ii., 39., No. 92; *Parl. Hist.*, iv., 233, March 1662, quoting Ralph, 'as the Pulpit was to be purged by the Act of Uniformity, care was to be taken to bridle the Press and put the reins into the hands of a Licenser'.

rather on the strength of this discovery than of his complaints of neglect, was often mooted, but though he was certainly made Surveyor of the Presses in February 1662 by Secretary Nicholas' patent, the *Memento* itself proves this to have been the merest shadow of office, if it carried any emolument whatsoever¹. Hence the proposals referred to above. It seems in fact to have done little more than legalise his amateur scouting in the dens of Little Britain. It was probably armed with the new authority, however, that he was able to score off Bagshawe by seizing a batch of his libels at Anglesea's house—a rather puzzling seizure when we remember the scruple on which the abortive Bill was wrecked².

The discussion of the principles on which the new Press Act was framed we may leave to the next chapter. This we are the better able to do as following the example of the new Treasons Act, the Press Law of 1662 was scarcely ever resorted to and was rather held *in terrorem*, or as a justification to judges to proceed more rigorously by the more compendious Common Law—a course which recommended itself to a Government which wished to dispense with the aid of Parliament where possible, and to use the judges as a branch of the legislature.

If therefore in the stern cases to be cited, no mention is made of the great Act of this year, it must be remembered that that Act was chiefly valuable for the powers of search and seizure which it vested in the Crown, and by delegation—often disputed on legal grounds—to the secretaries and L'Estrange³. For all practical purposes its only benefit to the public was the raising of prices by that clause which secured their patents to monopolists and that despite the periodical plaints of the poor printers⁴.

In the confusion and multiplicity of 'libels', fanatical and Presbyterian, which darkened the air during the first

¹ 'Fortune has been so kind as to leave me yet a bottle of ink and a heap of paper out of which pitiful remains I make your Lordship a present of a book'. *Memento*, pt. i., May 1662. These are not the words of a man with a lucrative place.

² That the houses of noblemen were exempted from liability to search.

³ The legality of the General Warrant was the subject of exhaustive debate in the eighteenth century, during and after the Wilkes case. The great lawyers who argued that case were inclined to trace the warrant to the powers vested by this Act. See *Parl. Hist.*, xvi., 1277. Debate of 6th December 1770.

⁴ See their Petition, 1662-4. See also an excellent note on the Law Monopoly. Viner, *Abridgment* (1742), xvii., 208.

three years of the Restoration, it is impossible to trace the history and effect of each. But there were certain of these obscure wares, which either from the juncture at which they appeared or because of their own or their author's importance deserve a cursory notice.

And first it was L'Estrange's and Atkyn's loud complaint that Presbyterian wares were tolerated. But as time goes on, and especially after the Bartholomew eviction, their immunity became more precarious and they gradually adopted the secret channels of the darker hues of Dissent.

We have already noted the chief engagements of the conflict between Church and Presbytery in which L'Estrange took such an intrusive part. Here we are only concerned with those papers and pamphlets as they were regarded as 'libels'. There were first the two parts of Corbet's *Interest of England* in October 1660 and March 1661, respectively, the latter celebrating the memory of the regicide Carew.

Baxter's famous *Petition for Peace* and the publication of the Savoy papers were the occasion of L'Estrange's violent *Relapsed Apostate* already noticed. In this work—always having in mind the men lying in gaol for his July discovery—Roger descanted on the secret and wide publication afforded these papers, and roundly accused Baxter of sending them abroad. He detected in the printers of the *Petition for Peace* a 'ring of menknaves,' who were in everything during the late times, and several of them—as Francis Tytan—still continued in favour. It is not surprising that those Commonwealth printers of *Mercurius Britannicus* and other Mercuries, Ibbotson the leveller and R.W. 'he that hunts in couples with Tytan'¹, should bear a hand in a work of such vast sale. 'If my intelligence deceives me not', says the irate Cavalier, 'the same schismatical piece of Holiness was delivered to the Press by one Mr Baxter or by his order, Ibbotson in Smithfield was the printer (the levelling Ibbotson, I suppose, he that printed the *Adjutators Proposal*, I mean, and the *Petition to the Army against the Mayor and Aldermen* in October 1647). I am told, too, R.W. has a finger in the pie—*Britannicus*, his old friend, he that hunts in couples with Tytan. These good folks have printed treason so long, that they think now they do the King a kindness to stop

¹ *Relapsed Apostate*, Introduction.

at sedition. Indeed 'tis a pity their old *Imprimatur* - man was so unluckily called aside by a good office into Ireland; we should have had the Toy stampedelse 'with privilege'. My information tells me further that the bauble was barrell'd up for fear of venting, and so sent several ways; which being performed with much secrecy and despatch does but bespeak a general tumult and prepossesses the nation against better reason'.

He was right as to Baxter being the author of the *Petition for Peace*, but his charge against the latter of being privy to the publishing of the Savoy papers was certainly false¹.

The curious thing is that Baxter should by his information to Secretary Morrice have admitted that the publication of these modest papers was a crime. Yet there was no Press Law when they saw the light first.

If we add the papers of the Crofton agitation printed by Ralph Smith, a high person at Stationers' Hall², and those of the Morley - Baxter - Bagshawe controversy to the category of disturbing, or as L'Estrange would say, seditious literature, we have the main scope of Presbytery's contribution to 'sedition' prior to the more serious Bartholomew-ejectionment deluge of *Farewell Sermons*.

These pathetic discourses have little in them beyond exhortation to comfort, but in their cumulative effect³ were a very powerful agency in persuading people that a Government which could eject such pious men must be vicious.

The Government indeed hesitated in its treatment of this matter. On the one hand, there was Morrice's dubious action in regard to the *Petition for Peace* and *Papers of Proposals*, and a secretarial warrant issued for the arrest of

¹ E. 1870. The Thomason Catalogue gives the date of publication as (?) May 1661. Kennet quotes Baxter on the subject (*Register*, p. 550). 'Morley told me when he silenced me that our papers would be answered ere long (but) only L'Estrange the writer of the *Newsbook* hath tailed out a great many words against some of them'. Baxter further tells us that on hearing of the publication of these papers, he informed Secretary Morrice, but would not hunt for the delinquent, though he privately thought him to be a poor curate of Dr Reynold's. Altogether Baxter's conduct was as unique as L'Estrange's charges were violent. 'Although I was above 100 miles off yet it was all imputed to me, and Roger L'Estrange put it in the *Newsbook* that it was supposed to be my doing'. Baxter, *Spiroster's Edition of Life* (1696), ii., 379-80.

² See his *Apology* for printing Crofton's *Birth Anti-Bowl*, seized 23rd March 1661. Hart, *Index Expurgatorius Anglicanus* (1872-8), p. 191.

³ 'Ten or Twelve Impressions of the 1st, 2nd, and 3rd Volumes of *Farewell Sermons*, 30,000 in all, all which as they are now drawn in one binding do certainly make up one of the most audacious and dangerous libels that hath ever been made public, and they are now printing it in Dutch too, for the greater honour of the scandal'. *Considerations and Proposals*, 1663.

Bagshawe for his *Animadversions on the Bishop of Worcester's Letter* (Second Part). On the other hand the Stationers themselves, largely Presbyterians, would not act against them¹, and L'Estrange and Atkyns still vainly implored the Government to go to all extremes.

It seems to have been agreed that nothing except attempts to resurrect the Covenant (Crofton's and Davies' crime) or personal attacks on Bishops from the side of Presbytery were for the moment to be proceeded against.

The other great class—the non-Presbyterian libel—admitted no such tender treatment. It fell into two or three categories.

- (1) Mere Quaker or Anabaptist stuff taken as an affront to the Church and against the Act of Uniformity.
- (2) The *Phoenix*, *Prodigy* and *Annus Mirabilis* tribe—passionate tears for the burnt Covenant, and scarcely veiled prophecies of doom to the tyrant.
- (3) Regicide Speeches in two batches—those of October 1660 when the main body of executions occurred and those of Vane and Cook held over to 1661-2².

These were distinctly seditious and tolerable by no Government of that age. They are to be sharply distinguished from the scholarly and modestly-worded Appeals of Baxter and Manton³. Even here, however, a distinction must be made between the direct treason of such a person as Twynne whose case has drawn so much notice, and the merely anti-prelatical jeremiads of Dover and Keache.

In 1663 the Government was brave enough to cast its mantle over the Church. In ten years we shall find it has enough to do to protect itself.

Before we consider this disloyal class it may be well to note a few of the outstanding names.

Nedham we saw absconded—giving out the usual reason of debt, which may have been partly true, for his wages from Scot were stopped in April 1660, when the game of the Republic was seen to be up. He was followed into exile in

¹ 'It is noted as a rare thing for any Presbyterian pamphlet to be seized and suppressed unless by order from above, the great business of the Press being engrossed by Oliver's creatures'. *Considerations and Proposals*.

² A full list of these seditious tracts is given in *Truth and Loyalty Vindicated*, with an account of the Surveyor's activities. See also notices in *Mercurius Publicus*, No. 27, 2nd July 1663, and 1st October 1662 (notice of a Private Press discovered).

³ The attempts of Eachard and Kennet to twist the patience of Baxter and Calamy into truculent menaces are ludicrous enough.

September by L'Estrange's *Rope for Pol*, which may, as Mr Williams suggests, have been an attempt to anticipate conversion and subsequent favour for the needy journalist¹. If so it was aimed with foresight, for Nedham returned in the year of the Restoration, made his peace, set up in his original profession as a physician, and fifteen years after did good court-service—with good pay—against the 'Men of Shaftesbury'.

Nedham's ally, Livewell Chapman, who printed—and perhaps wrote—*Plain English*, did some of Milton's work, and kept up his shutters to the last, followed Nedham a week or two later—also for debt, though not also on account of a licentious life. Secretary Morrice gave him a protection in the autumn of 1660, and Livewell ventured back, but unlike Nedham to pursue his old practices and with new allies. We find him in 1661 stocking if not publishing quantities of the most hazardous wares in company with Brewster and Calvert. Shortly afterwards a prison opens for him, and after several interviews with the 'bloodhound of the Press', L'Estrange, in 1662 he is set at liberty on a bond. But the great 'drive' of October 1663 swept him in again, and Frank Smith, the narrator of these earliest Restoration passages, had the melancholy task of including Mr Lidwell Chapman (*sic*) in his catalogue of Press heroes².

Chapman's allies—the 'Confederates' L'Estrange called them—Brewster, Dover, Frank Smith, Keache the tailor-printer-preacher, and the wretched Creak and Twynne were not eminent at Stationers' Hall, but they had a wide trade of the roving kind, in which their wives, obdurate Whig spouses whose services to the Cause, ludicrous though it may seem, were real and constant, took a main share. They and their husbands are the elder generation of Dunton's 'brave asserters of English liberties'.

To ascend higher in the Stationers ranks, there were Ralph Smith, Crofton's Printer and a future warden, Ibbotson, Hodgkinson, Lilliecraft, Robert Wilson, all printers and publishers of Commonwealth papers, and worst of all

¹ Williams (J. B.), *History of Journalism in the Seventeenth Century*, p. 259. The date of the *Rope for Pol* is September 1660, the date when Roger afterwards stated he first wrote on his 'discoveries'.

² See L'Estrange's improvement on Quevedo's *Vision* for a facetious encounter with Livewell in the infernal regions, chap. xiii., p. 286, somewhat of a compliment to Chapman.

Francis Tytan, lately appointed printer to the House of Lords, while Cromwell's printers, Newcombe and Fields, seem to have been displaced as King's Printers in favour of the old loyal Barker¹ and Hill. But Newcombe is a great and coming man, is to print the *London Gazette* and die King's Printer in 1680.

Hodgkinson still printed the *Newsbook*.

These usurpations grieved the old loyal patentees—Richard Atkyns, dispossessed sixteen years before of his law monopoly, and Roger Norton, patentee in English Church books in a similar plight. To their imagination the Stationers craft reflected the sad condition of Cavaliers all over. To them—and especially to Atkyns—L'Estrange's strictures on a Prince who would pinch his friends' bellies, were specially grateful.

On the other hand Birkenhead and his henchman Muddiman—of whom more in connection with the *Newsbook*—were pleased with substantial rewards, and deprecated the disloyal murmurs of the 'have-nots'.

Those acts of retribution indulged in by the Restored Government which have excited the admiration of the 'loyal' party for their moderation, and the censure of the Whig historians, were each the occasion for an outburst in the Press. The earliest act of judgment, the burning of the Covenant, created as much emotion as the blood of the regicides. These tears took the form of the *Phoenix*, a daring libel which prophesied the resurrection of the Covenant and all it stood for. It was the work of a Confederate group of Stationers of which Chapman, Calvert, and Brewster, all booksellers, were the chiefs. Creaké did the printing, a poor fellow (so said the judges), 'who acted rather upon necessity than malice'. Dover (printer) finished the impression and Thresher bound the precious work. In prison Creaké and Thresher gave some useful information to L'Estrange, whose talents in extorting evidence at the cheapest rates were formidable. When the alarm was given Calvert was seized, but Chapman and Brewster slipped through Roger's hands, though later they came in. Tytan was also involved, but there was not sufficient evidence to touch him.

The whole credit of tracking and seizing the libel was

¹ See his Petition for restitution, *H.M.C.*, 7th Rept., p. 19a.

L'Estrange's, his first essay in this kind¹. Armed with a warrant from Secretary Nicholas and a constable, he took one hundred and twenty copies fresh from the Press, and whilst hot on the scent through Little Britain and St Paul's Churchyard, came across an equally odious production still in the Press, called *Annus Mirabilis*, or *The Year of Prodigies*, a work which recalls the prophecy that England would be betrayed by the Pulpit, the Press, and Astrology, but from another source is impudently described as 'a book grateful to authority, and of general caution to the nation, both to behold and consider the works of God'². This particular form of *Prodigies* was not the book for which Calvert had been responsible, and which Brewster handed to the Press. The latter pretended to be *Several Prodigies and Apparitions seen in the Heavens from 1st August 1660 to the end of May 1661*, described in the warrant of arrest as 'prognosticating mischievous events to the King', and seized by L'Estrange in June when only one sheet had been worked off. But all of this 'Prodigy' school of libel have a close resemblance, and are all a strong reflection on the vulgar credulity of the age. For these libels, such of the 'Confederates' as had not fled were committed. Chapman and Brewster came in later, and it was while her husband was lying in prison that Elizabeth Calvert had the daring to order the completion of the *Prodigies*³ an order given to that chosen vessel of sedition, old Frank Smith—for which she too was committed. But L'Estrange had his eye on Frank, for 'the very day it was published' he tells us in his narrative 'one of his Majesty's messengers came to my shop with a warrant both to seize the book and my person and carried me before the then Secretary of State (Nicholas)'.

The warrant for Smith's arrest is of some interest as being of the type contested so vehemently in this and the next century.

'It is his Majesty's pleasure that you take into your custody the person of Francis Smith, Stationer, for *having*

¹ *Truth and Loyalty Vindicated*, p. 56.

² Frank Smith's *Narrative* addressed to Shaftesbury (1680), reprinted at the close of his trial before Scroggs (1680), in *State Trials*, vii., 937, and in W. H. Hart's *Index Expurgatorius Anglicanus*, p. 184. It is one of the most interesting documents on the tyrannous side of the Press. L'Estrange is naturally a frequent name in the *Narrative*, though Frank speaks quite respectfully of him.

³ *Truth and Loyalty Vindicated*, pp. 56-8.

a hand in printing and compiling dangerous books, and that you keep him close prisoner till further order from his Majesty, and for so doing this shall be your warrant.

'Dated at the Court of Whitehall this 15th day of August, 1661.—ED. NICHOLAS.

*'To the Keeper of the Gatehouse,
Westminster, or his deputy'.*

'This word in my warrant "close prisoner"', says Frank, 'proved a fatal word to me, as many still living can witness (1680), for the keeper improved it to a title; there I was truly buried alive, it being a prison famous for oppression of poor prisoners as many besides myself can notoriously witness'. Though Smith was an ignorant enough and fanatical person, who took his stand on Magna Charta and frequently quoted the examples of Empson and Dudley *in tyrannos*, his case in this 'the least exceptionable' period of Charles' rule was deplorable, and is of great constitutional interest. Three *Habeas's* were required to persuade Broughton, his keeper, to bring him before the judges of the King's Bench, and in the meantime the warrant was changed and legalised by the introduction of the name of his particular offence—the *Annus Mirabilis*. Smith was a great stickler for the legal aspect of things. In his opposition to the General Warrant he anticipated Wilkes by a century, and had the rabble at his back applauding his spirited resistance to the constables. But he was not alone in this respect. There possibly never was a time when quite poor and ignorant men proved so learned in the Law, their precedents, it has been observed, being founded on the constitutional experiment of the Lancastrian period. Before leaving Smith's instructive narrative, we may anticipate by quoting his reference to the fates of the 'Confederates'.

'As a close to my afflicted relation, be it remembered that many of these sufferings both in my person and substance were by general warrants exercised on me and without compassion (by those employed in surveying, printing, and vending books) upon many others of which a doleful catalogue might be given, of several persons by (in the general) mere arbitrary ways and particular or private piques that have (from a flourishing condition) been

reduced to such poverty as to die in gaols, others not able to leave at their death so much as to buy a poor 3s. coffin to carry them to the grave; witness the truth in these cases of one Mr Brewster who died low some years ago in Newgate and his family reduced to such want that his wife lately lived upon charity and died under great extremity. One Mr Calvert died little less than in prison and his family brought to a total beggary, that once lived plentifully; also one Mr Dover a printer died in Newgate almost to the ruin of his family, Mr Lidwell (*sic*) Chapman in the like manner, by continued imprisonments he and his family ruined, others fined above their ability as late instance shows; others by like imprisonments, also were ruined by persons invested with power of surveying the Stationery Trade abusing the same at pleasure and even wink when and where they please as favour or pique governs them¹, seize an unlicensed book because others shall not sell them, and sell them themselves'.

Smith was remanded back to prison, and after vexatious delays and severe treatment and bribes by L'Estrange to discover the authors of *Prodigies*, was at last released on bail. The expense of several *Habeas's* and the length of his imprisonment, extending to nigh two years, must have sorely tried him. He became henceforth the most chargeable victim, not only of the Government's search and seizure, but of the Stationers' enmity. L'Estrange is a great figure in his several prosecutions, but before the great libels committee of February 1677, he appears as one of the Surveyor's witnesses against the Stationers. The one enmity was greater than the other. Again in 1684, when the hunt for Whiggish printers was in full cry, L'Estrange had 'old Frank Smith' safely laid in prison on his indiscreet venturing over from the Continent².

Of the other Confederates, to the chagrin of L'Estrange, who naturally took a vicious interest in the victims of his 'discovery', Darby was released on the adjournment of Parliament in November. An attempt was made to prove Tytan of the band, but although he was probably a

¹ He refers not so much to L'Estrange as to the officials of the Stationers Company. See chap. vii., 207. A good annotation of this passage would be a capital history of the Stationers Company in the Seventeenth Century. See also Smith's petition to Arlington, February 1673-4, *S. P. Dom. Car.*, ii., 360 (149), and a letter of his (no date) *Ibid.* (150), both setting forth the Stationers enormities.

² See p. 320.

publisher of the *Phoenix*¹, no proof seems to have been forthcoming.

In February 1662—the month in which L'Estrange was appointed to the shadowy office of Surveyor—the Government emissary found Brewster at Bristol during the Fair. These provincial fairs were used by the secretaries for setting up booths for the sale of their seditious wares. Brewster was taken in his lodgings and his trunk revealed a wealth of this stuff sufficient to provoke a sharp warning to the Bishop to have a better care of his diocese, and to rout out such seditious booksellers as Simon Moon, whom Sir John Knight had just raided with excellent results².

The fate of the 'Confederates' was substantially as outlined by Smith. The Northern conspiracy of October 1663 materialised the Government's suspicion and alarm. The direct relation of the seditious press to these revolts was certain. It was felt that something must be done effectually to overcome the delinquents, and L'Estrange in his newly erected office—not that of the old patent of February 1662—felt it desirable to make a great show to justify his existence.

In the first week in October his vigilance was rewarded by the discovery of Twynne busy at his treasonous work. The following week a visit to Simon Dover (who had lately been released after a year in prison) discovered on his person *Murder Will Out*—described by L. C. J. Hyde as 'a villainous thing scattered at York, a little unlicensed Quaking book'. The dangerous *Panther* completed the discovery, and lest it should be said that Dover was re-committed on the old *Phoenix* charge refurbished to suit the hour, Roger declared in the *Newsbook* that 'the Printer was apprehended in the very act of working it off, and it is hoped that many good uses will be made of the discovery as well for the manifestation of a design levelled at the very person of his sacred Majesty, and the peace of the public under the masque and colour of conscience and religion'³.

Although Brewster and Calvert, with Chapman and Ferguson, had been released on bond in the course of 1662, they were again taken up in September when rumours of the Northern Plot reached the Government.

¹ 'Francis Tytan is as right as any of the rest'. *Truth and Loyalty Vindicated*, p. 57.

² *C.S.P.D.*, 2nd and 7th February 1663, vol. 1663-4, pp. 37 and 43.

³ *Newsbook*, No. 8, 12th October 1663.

Yet another printing rogue was 'pulled out by the ears' in the October raid, one of the old Brewster gang, Nat. Brookes, at whose house a peculiarly offensive book was found containing besides *Regicides' Speeches*—with a picture of Sir Harry Vane—a batch of 'consolation' treatises of the 'You know not what a *month* may bring forth' type. Bundles of another libel which had a great vogue, *Prelatick Preachers*, were found, and the considerable resistance L'Estrange encountered in his memorable midnight raid on this house was used against Brookes at his trial¹.

Thus by vigilance and by knowing where to look Roger had effected in this uneasy fortnight a clean sweep of the 'feminine part of rebellion'. It only remained now for the lawyers to connect by skilful hint and surmise the 'feminine' and the masculine Northern part.

Eighteen weeks they lay in prison. From the notes of Chief Justice Keling, the *Newsbook*, and Frank Smith's *Narrative*, we learn some very material circumstances regarding their treatment.

In the first place, the whole credit of the business was due to L'Estrange, and even the printed trials were to his order printed by Harry Brome—a considerable favour shown to L'Estrange by the judges and a part reward².

Secondly, the scandalous interval of nearly three years between the matter alleged against Brewster and Dover, and that against Twynne and Brookes with nevertheless an attempt made to bring them all in as Confederates, raises some doubt of Fox's description of the period as 'by far the least exceptionable part of the reign'³.

Not one of these four cases was tried on the 1662 Press Statute, but all—except Twynne's, who was indicted under the old Treason Laws—by Common Law. Brookes denied the fact alleged, and cut the poor figure noted by Defoe as characteristic of the printer in the dock⁴. He 'was only a workman. How could he be guilty of sedition

¹ See an account of this interesting night's work in Brookes' Trial—*State Trials*, vi., 559-63.

² The judges then claimed the sole right to print their own cases. Hence—Roger North insinuates—the judgment against Atkyn's law patent, reversed by the Lords. Seroggs admitted in his examination before the Privy Council (1680) that he had sold his right to the exclusive printing of certain trials. Ames [*Cons. Hist. of Charles II.* (1857), p. 247].

³ Bohn's *Charles II. and James II.* (1857), p. 301.

⁴ *Life of Daniel Defoe*, by W. Lee (1869), ii., 517.

and scandalous things? He never printed anything, he was only a book-binder, that was his trade'¹.

Dover made a stouter appearance and grounded his defence first on the fact that admitting the printing—but not selling—‘it was done when there was no act or law in being touching printing’, and, secondly, he demurred that a book of speeches whose title runs ‘faithfully and impartially collected for further satisfaction’, could not be interpreted as factiously done. Brewster claimed that the speeches of dying men were matters of edification and public—that the speeches were ‘almost as common as a diurnal’—an admission on which the judges (who may be styled the prosecution) eagerly fastened. The case in the Regicide packet which gave most offence was that of the lawyer Cooke, who suffered for acting as public prosecutor against Charles I. His letter to a friend included in the speeches could not be described as a public speech, and as it represented the Regicides as clothed in the flames of martyrdom, it carried a long way against the printers. But even without this, Hyde instructed the jury in one of the least judicial speeches of that age of ‘good laws and bad Government’, that even if the speeches were spoken in public ‘let it be upon his own soul that did it’; for in case he did it, no man knew it but those who heard it. But to publish it all over England, 3000 of the first impression and a second, this is to fill all the King’s subjects with the justification of that horrid murder².

The *Phoenix*, for which Brewster was also indicted, was a collection of old pieces from printed sermons of leading Presbyterians such as Baxter, Douglas, Calamy, etc., during the Commonwealth.

It pretended to be printed at Edinburgh ‘in the year of Covenant breaking’, and was indeed handed to the informer Creake by the Confederates so early as May 1661. The defence that the *Phoenix* was not printed from manuscript, but from printed and licensed excerpts,

¹ And so the jury brought him in guilty only of *selling not printing*. *State Trials*, vi., 563.

² *I.e.* of Charles I. *State Trials*, vi., 546.

‘Brewster: My Lord, these are sayings of dying men, commonly printed without opposition.

‘Hyde: Never.

‘Brewster: I can instance in many; the bookseller only minds the getting of a penny; that declares to the world, that as they lived such desperate lives so they died . . . and so I think is a benefit far from sedition’.

was brushed aside by the judge. 'Douglas' (sermon) was printed in Scotland, was it licensed here? No, it was done there and brought hither. Then for the other sermon (Calamy's) by what license was that printed, was it not to set forward rebellion: to set up the Scotch Presbytery, and this in '45, when they were in arms against the King after the King put himself upon his defence and was at Oxford? *Do you tell me of the license of rebels then for your justification*'¹?

So much for the Restoration view of the Presbyterian *Imprimatur*. The plea that they were very poor and ignorant men was discounted in Tywnne's case at least, by L'Estrange's evidence that he read the proofs of his libel, and in any case their poverty was not Hyde's business when he delivered his *ultra tenementum* sentences.

From the few remarks made by the jury, they seem to have been mercifully inclined, especially in Dover's case. This jury was by the culprit's own desire specially chosen from the London Stationers. In case of any doubt as to the competence of the prosecution to deal with such a trade matter, Hyde assured them, with an obvious reference to L'Estrange, 'There are those already that understand it as well as booksellers or printers, besides half the jury are such'².

Creak and some terrorised printers were the witnesses against the Confederates. This person in part printed the *Phoenix* and *Prodigies*. A prison and the menaces of L'Estrange extracted from him the names of fifteen suspected persons³.

Whilst the political character of these trials is obvious, it cannot be denied that the Government had some colourable excuse for severity. The Regicides are no sooner executed in October 1660 than their fortitude and inflaming speeches are published abroad to the world, and dispersed among the old soldiers and enthusiasts that thronged the streets, the ground having been already prepared by *Phoenixes* and *Prodigies*, the one promising a glorious resurrection for

¹ *State Trials*, vi., pp. 553-4.

² *Ibid.*, p. 519.

³ *Ibid.*, p. 555.

'L. C. J. Hyde: Do you think the Press is open to print what you list?

'Creak: I did so then.

'Hyde: When did you give Mr L'Estrange information of this matter?

'Creak: Lately, when I was a prisoner in Ludgate'.

the Covenant, and the other by lies and superstition seeking to prejudice people against their new governors. Venner's conspiracy in January, excited by the execution and speeches of Peters and the Regicides, was followed in October 1661 by the affair of John James, the substance of whose indictment was a conventicle speech to the effect that 'the King and his nobles had shed the blood of the saints at Charing Cross', exactly the insinuation of these speeches. Although the bulk of the Presbyterians did not approve the speeches or the attitude of the condemned¹, the passing of the Uniformity Act threw a large body of moderate Presbyterian opinion against the Government, and numerous small conspiracies—which Burnet says were prudently ignored—were the result².

In December 1661 the Lord Chancellor, replying to an anxious message of the Commons to the Lords, stated that intercepted letters showed that there was a wide feeling of revolt, and exactly a year later Tonge's conspiracy sought by means of a treasonous letter, printed off by the thousand and dispersed among the congregations, to take advantage of the despair to which the Church policy was driving the sectarians. At the same time the venerable trick of a 'popish massacre' was brought into service. While, therefore, 'there is reason to believe that the court very much exaggerated the transactions out of which arose the proceedings against those people, the Government is perhaps not to be blamed for cherishing a most anxious wish to suppress every indication of commotion, which might have furnished a rallying point to all the disaffected'³.

It can scarcely be wondered at that the prosecution, believing that 'the dispersing of seditious books is very near akin to raising of tumults; they are as like as brother and sister', should have sought to bring in Twynne as an instrument of the Northern conspiracy and to throw a shade of that suspicion on the others.

L'Estrange was persuaded of such a connection, but

¹ See the disapproving remarks on this head of even such a zealot as Crofton in his little *Defence against the fear of Death* (1665).

² Burnet speaks only of the 1660 to 1661 conspiracies, when he dismisses the suggestion that Clarendon fomented these petty plots. 'Reports were spread and much aggravated as they were reported to the House of Commons of the plots of Presbyterians in several countries'. Airy, *Burnet*, i., 326. 20th November and 19th December 1661 are the dates of reports to the Commons on the subject.

³ *State Trials*, vi., 272.

beyond the coincidence of the dates, the prosecution did not pursue the hint in Serjeant Morton's speech of such direct association¹ further than to show that the trials at York had proved the existence of a publication department of the conspiracy in London. Moreover, the piece was handed to Twynne by the Calverts, and it seems far more reasonable to regard Twynne as a poor devil like Creak, who would print anything.

'John Twynne', says the latest writer on the subject², 'met the just penalty of a crime with which the liberty of the Press was certainly unconnected. He had full knowledge of the Plot for a rising and for the extermination of the royal party in 1663, refused to save his life by disclosing his author's name, and part of the document he printed is yet in existence to condemn him as a peculiarly hypocritical and dangerous animal. It of course has not the faintest resemblance to Milton's *Tenure of Kings and Magistrates*. It was entitled, *A Treatise of the Execution of Justice*³, and advocates the assassination of Charles II.'. All of which is true except the implied assurance that Twynne knew his author. All was managed by the Calverts, who paid him forty shillings for two sheets for 1000 copies⁴. He probably read the proof and told L'Estrange it was 'hot mettlesome stuff', but that scarcely goes the length of the severe quotation above.

It only remains to note the hard fate of the 'Confederates'. L'Estrange, following Hyde⁵, marked it as an extreme favour that all were not, like Twynne, indicted for treason, but their sentences after eighteen weeks in gaol, must have had an equivalent sound, for besides pillory and ruinous fines, they were to remain in prison during the King's pleasure. Calvert was either dead or too ill to be produced at the trial; Brewster and Dover were very feeble. It was not long till

¹ 'The conspirators could not be ready till the 12th Oct., for the seditious books that were to lead in that design and the libels and declarations could not be printed before that day'. Twynne's Case, *State Trials*, vi., 521.

² Williams, *History of Journalism in the Seventeenth Century*, p. 186.

³ The portion seized by L'Estrange is preserved. *S. P. Doc. Car.*, ii., 88 (76).

⁴ In the parallel case of Harry Care (1680), tried for writing the *Papish Courant* (vol. ii., No. 4) Stevens, the printer admitted a general notion that Care wrote it, but 'He did not deal immediately with me', and 'It was the publisher (Curtis) that chiefly directed me'. *State Trials*, vii., 118. The case of Stephen Colledge and the printer (F. Smith) of his *Raree Show* (1681), is an even better case in point. Smith only stood in the pillory while Colledge was hanged. See L'Estrange, *Notes on Colledge*, pp. 12-13.

⁵ *Trials*, vi., 564.

the gates of the prison opened for the last time, when a huge funeral concourse accompanied them to the 'phanatique burial-place in Bedlam', one of the earliest of those melancholy processions which were almost the sole demonstration permitted to a subjected people.

'These people', says L'Estrange, 'might have been set at liberty by his Majesty's special grace, if they would have been so ingenious as to have told the meaning of their own hands and papers, in order to a clearer discovery of their dangerous Confederates and in cases when they themselves could not pretend ignorance, but they rather chose to end their days in a prison.'

'As to the crime for which they stood convicted I should not mention it, but to stop their mouths that have the confidence to call that a severity which was so remarkable an act of clemency and mercy. It was proved to the clear satisfaction of a tender jury that they had printed and published the justification of the murder of the late King, affirming it to have been (in these very terms) the most noble and glorious cause'.

Marked as these severities were, they did not entirely check this form of sedition, which was by no means confined to these shores. The exiles on the Continent were constantly sending in volumes of sedition and incitement, and in Holland there seemed to be a kind of standing committee for the production of such literature as *God's Loud Call*, *A Voice Crying in Babylon*, etc., apart from those more peculiarly Dutch pasquils which were a matter of formal complaint, and an ostensible cause of the Dutch war¹. In April the trial of the Northern conspirators drew out almost as much of this kind as that of the Regicides. Narratives of judicial proceedings, despite the judgment of the Court in the case of the 'Confederates' trials, were still briskly proceeding. Nor were these confined to the meaner printers. 'One of those very presses wherein *Mene Tekel* was printed (that most execrable villainy), belonged to a ruling member of that society (of Stationers), who cannot pretend ignorance neither, the printer being known to his lifelong and gross experience for a person of notorious principles and practices against authority'. The Stationers were even attacked in

¹ See the Lord Chancellor's Speech at the opening of Parliament, 9th October 1665. *Parl. Hist.*, iv., 317. Also *C.S.P.D.* (1663-4), p. 521, 18th March 1664, and 1666-7, p. 37; 13th August 1666.

the *Newsbook* as the encouragers of these wares 'a special condition of whose Privilege and Trust it is to suppress them'¹.

The Congregations and the Quakers were now as a result of the persecution let loose on them, extremely voluble. The *Informers*' name was becoming odious, but as yet the Press informer was not in evidence because the Statute fortunately made no provision for his reward, and L'Estrange's miserable bribes published in the *Newsbook* were too small².

In such demonstrations as that in which seventy-five ejected ministers walked at the funeral of 'an ancient man' one of the persecuted brethren, and that already mentioned of the funeral of the 'Confederates', the Dissenters still continued to offend the Government, and whilst they remained in London, they became the storm-centre of libellous dissent, inspiring the brethren, finding food for the presses, and educating the children in the belief that 'the ceremonies of the Church of England are idolatrous and the ministers anti-Christians'.

There was one spacious building, the 'Bull and Mouth', in St Martin's, near Aldersgate, which was used for the threefold purpose of a Quakers' meeting-house, a schoolroom, and a private printing-house, which was responsible alone for two hundred libels.

'As sure as death', said Roger in April 1664³, 'till the ejected ministers be removed to some convenient distance from the places where they formerly preached up rebellion and disobedience, this nation will never be thoroughly settled'.

In 17th May of this year the Conventicle Act was passed, and in July the Conventicle mentioned above was raided, and Wm. Warwick, the preacher, committed to prison, while the books and press were confiscated. An offer of freedom in exchange for a promise to leave off his seditious practices was met with the remark, 'He would go on whithersoever the counsel of the Lord should carry him'⁴. The execution of the Conventicle Act involved the raiding of numerous

¹ *Considerations and Proposals*.

² Chap. v., 144-5. Sir Sidney Lee (art. L'Estrange, *Dict. of Nat. Biog.*) talks of 'his shop at the Gun in Ivy Lane' having been frequently visited by the Informer. There is no evidence of Press secrets having been extracted other than by fear of a prison, and no evidence of a single 'discovery' by means of L'Estrange's bribes.

³ *Newsbook*, 16th April 1664.

⁴ *C.N.P.D.* (1663-4), p. 634, 6th July 1664. Draft of Bennett's warrant to continue Warwick in prison, endorsed 'till Mr L'Estrange's charge is known'.

places, and everywhere the officers discovered how nearly seditious printing was allied to dissent. In a week (17th to 23rd July) L'Estrange computes that 130,000 pamphlets were thus seized. The Presses were not yet confiscated generally. The prisons were crowded with sectaries, but their restless pens were as busy there, and half the sedition of these months emanated from gaols, where as much freedom in this line was enjoyed as outside. The threat of transportation was supposed to be the only cure for the case¹.

Meanwhile it was thought expedient to bring another offender to trial. In October Ben Keache of Winslow in Buckinghamshire, tailor and preacher, was brought before C. J. Hyde for printing and publishing *The Child's Instructor* at the modest price of 5d., a non-conformist catechism against Infant-Baptism and for lay-preaching, etc.

Hyde's conduct to this poor man who had lain in prison since May was long afterwards cited in a speech by Lord Ashburton in 1770². His offence was rather against the Act of Uniformity than the Press Act. Except for Hyde's brutality, Keache's treatment was by no means so severe as that dealt to the 'Confederates', while Warwick, as we saw, had offers of freedom. The feeling aroused by the death of Brewster and Dover in April had no doubt a cautionary influence on the Government, while L'Estrange's savage ravings in the *Newsbook* were overlooked.

The spirit which animated these men is extraordinary.

'I hope I shall never renounce those truths which I have written in that book', said Keache, and although he paid his £20 fine, 'he was never brought to make any recantation'³.

When the city became too hot, and the Five-Mile Act removed the dissenting ministers, the libel flourished in the country. Baxter's *Petition for Peace*, it may be remembered, was sent down secretly in barrels, and the carrier's waggon took down a great deal of like stuff in secret. The Gloucester carrier was always an object of suspicion, and the Post Office was extensively used in this

¹ *Newsbook*, 23th August 1661.

² Speech in Parliament, 6th and 10th December, 1770. Cobbet, *Parl. Hist.*, xvi., 1277. 'C. J. Hyde, who received a verdict from the Jury of Guilty in part, sentenced him as if guilty of the whole'. The school of Hyde and Scroggs denied the jury's right to go beyond the matter of fact.

³ *State Trials*, vi., 710.

warfare¹. Intercepted letters gave news of movements in the North and West. Wild's verses floated perpetually about Bristol. Ralph Wallis, the 'Gloster Cobbler', with his Scotch assistant, James Forbes of Hackney, was still lurking about in the old trade, while Feake of Dorking, described like Keache as a 'Taylor's man', 'used to come obscurely to Dorking and brought libellous pamphlets'. Dover was another centre of disaffection². At Brereton comes news of Crofton³, late of the Tower, and troubled by compunctious visitings of Nature for his compliance there, riding about the country preaching sedition and scattering his books. Fergusson (the 'Plotter') was already busy⁴. Wild, the poetaster, had already repented his loyal *Iter Boreale*.

The Confederates Calvert and Brewster had a regular correspondence and trade with Bristol⁵, and now being dead, their wives continue to supply the good booksellers of that city and country fairs with their precious wares. No man carrying a pack was free from suspicion, and when after the Scotch rising of 1669 the Scotch Pedlars descended on the West, the ale-houses where they lodged were the objects of strict occasional search.

Altogether the period when L'Estrange takes credit for having cleared the Press—that is 1664-6—was singularly rife with disaffection.

¹ See a Proclamation in the *Kingdom's Intelligence*, 16th January 1661-2. *C.S.P.D.* (1663-4), p. 497. May (?). Col. Bishop turned out for favouring disaffected.

² *C.S.P.D.* (1663-4), p. 175, 18th June. Feake of Dorking 'a dangerous man', *C.S.P.D.* (1663-4), p. 429, 4th and 5th January.

³ *Ibid.*, p. 315, 26th October. Exam. of Wallis and Forbes, *C.S.P.D.*, (1664-5) p. 24.

⁴ *Ibid.*, p. 135, 12th May. Bond of Robert Fergusson of Totenham High Cross in 1660, and so he is released. For Wild, see *C.S.P.D.* (1663-4), p. 379.

⁵ *Ibid.*, pp. 27 and 297. 2nd February and 12th October 1663.

CHAPTER V

PRESS LEGISLATION AND THE *NEWSBOOK*

It was seen that L'Estrange, even before his appointment (February 1662) as Surveyor, had established a claim on the government of the Press, and that by work of a peculiarly disagreeable kind¹. He was regarded as the unofficial 'bloodhound of the Press' when those who had some vague authority—as Sir John Birkenhead and the officers of the Stationers—did little or nothing in the matter.

The two documents already referred to, in which—almost certainly after February 1662—L'Estrange drew up a list of the enormities of the seditious booksellers, culled from their old works, and proposed some new and binding bye-laws for the Stationers², were of the nature of a further bid for the enlargement of his office. At the same time it was

¹ The best guide to this early phase of English journalism is Mr J. B. Williams' article, already referred to (*Newsbooks, etc., of the Restoration, Eng. Hist. Rev.*, ap. 1908), and his *History of English Journalism*, 1909. The older Histories, Hunt's *Fourth Estate* (1850), and Andrew's *Hist of Brit. Journalism* (1859), with Mr Fox-Bourne's *English Newspapers* (1887), are hopelessly inaccurate or incomplete. Prof. Arber's *Stationers' Registers* do not descend so far, and his Introduction to the *Term Catalogues* is quite general. The Introduction to the *Calendar of State Papers* (1665-6), pp. 1-8, is scarcely trustworthy. For the general works on the Press referred to, see appendix.

² See chap. iv., p. 106. The documents referred to are (1) *Extracts from Mercurius Politicus*, etc., from 1644-54, with printers' names in the margin, in L'Estrange's hand. *S. P. Dom. Car.*, ii., 39-93. (2) Proposals for Preventing, Discovering and Suppressing Libels, humbly submitted to Authority by the Surveyor to the Press. *S. P. Car.*, ii., 39 (92), wrongly dated July 1661, in the Calendar. To this paper is subjoined L'Estrange's demand for a general Search Warrant on the ground that 'the King's Printers have, although but for their own private interest, acted by a general warrant for these twelve years last past without any clamour'; (3) *S. P. Car.*, ii., 39 (95), not as Mr Williams says (article referred to above) 'an undated and unexecuted grant of the General Warrant to L'Estrange', but a draft of the proposed Bill, probably belonging to 1660-1, and in any case prior to L'Estrange's rule in the Press.

noted his excessive demands for emolument¹ were ignored, but his incessant activity against the seditious printers in the meantime compelled the government, especially now that Bennet ruled in Nicholas' place, to reconsider, after the comparative failure of the Press Act, the erection of the Surveyorship which L'Estrange held into an important office.

Roger's advice at that time was what it ever remained—make the Surveyorship an autocratic office with a general Search Warrant, depress or ignore the Stationers, and saddle that company with such bye-laws—proposed by the Surveyor who is to sit perpetually in their councils—as will effectually cripple it for all time. In addition—and here is where he encountered the enmity of Muddiman and his patron Birkenhead—his Minute of a Project for Suppressing Libels² proposed to bring written matter, exposed in a public way, within the review of the Surveyor by inserting a clause in the licenses of coffee-house keepers. The most offensive part of his proposal was of course the demand for the *Newsbook*, which could only be granted by taking it from the loyal and efficient Muddiman, a course which Secretary Nicholas, who had been especially kind to the latter in granting free postage for his interregnum services, could not contemplate. With the removal of Nicholas in October 1662 a new scene opened up, and Bennet, who was to be accused in the Commons of keeping out the Cavaliers, acceded to the demands of the most insurgent of them, by erecting the Surveyorship into an office on the 15th August 1663³.

It seems strange that this Act should have been branded as exceptionally severe. In a sense it was rather lenient⁴. It left the hawkers alone, whom Bradshaw's Press Act had harried a good deal. In this, however, the Government was to learn that they had abandoned prudence, and for the future no point was driven home with more urgency by the

¹ *S. P. Dom. Car.*, ii., 39 (94) (endorsed, about 1660'). 'In compensation for his charge and pains . . . let the Surveyor enjoy (1) the Sole privilege of printing all narratives, etc., not exceeding two sheets and all Intelligence. (2) The Sole printing all warrants, Bills and Advts., on one side of paper. (3) 1s. per sheet on all books licensed or to be reprinted'.

² *S. P. Dom. Car.*, ii., 51 (10. 1).

³ *C.S.P.D.* (1663-4), p. 240, 15th August 1663. *Observer*, i., 259. 'His Majesty knows that it was by his particular order and direction that I took care of it (the Press)'.

⁴ Much more lenient than the Draft Proposals referred to above.

Surveyor, than that the hawker class constituted a grave peril to the peace of the nation, unless — as L'Estrange attempted for the *Newsbook* women — organised by the Government, and chosen for loyalty. The chiefs of this class were 'the printers' wives—Brewster, Calvert, Darby, and Chapman and Smith—who must all have been women of exceptional strength to endure their frequent imprisonments and the hardships of their wandering lives, for they went all over the country from fair to fair, as the accredited purveyors of sedition. There was also a huge class in London of the veriest wastrels who in the late liberty had 'forsaken their lawful callings', whom no law could persuade to return to their less exciting occupations. To restore the loyalty of the hawker class was a pet ambition of L'Estrange's.

The monopolists found themselves protected by the Act¹, but the hopes of some that certain of the present owners would be dispossessed for former acts of disloyalty were not realised². The Stationers were duly recognised and encouraged in the business of cleansing the Press. An important but wise omission was the refusal to set up by bribes the trade of Informer.

It was during this irksome delay that the great Press Bill became Law on 2nd June 1662. The Bill was in the last stages when people were reading L'Estrange's *Memento to all who love the Memory of King Charles the Martyr*, written after much study of Bacon, and largely grounded on his *Essay of Seditions and Troubles*. Its main purpose, as we saw, was finally to clear the author of the pensions fiction and to ask the Secretaries after a vehement exposure of seditious writing, 'Can a King be safe that's served by his enemies'?

The soul of the new Act was the general Search Warrant, bestowed on the Secretaries or their nominees, the feature which wrecked the measure of 1661, and was now negotiated by exempting the Peers from its ordinary operation. The Government's object in a word was not to secure the punishment clauses — that could always be effected by Common Law³, or merely by ignoring *Habeas Corpus*—but to secure

¹ This must have occasioned great relief, as prior to the Act no man was sure of his copy. There was still a mass of litigation, however.

² L'Estrange's Paper, referred to above, *S. P. Dom. Car.*, ii., 39 (93), singles out Newcombe, Tytan, Field, and Robert White, all engaged in official work.

³ C. Justice Hyde. *State Trials*, vi., 564. 'I must let you and all men know by the course of the Common Law, before this new Act was made, for a printer or any other under the pretence of printing, to publish that which is a reproach to the King, to the State, to his Govt., to the Church, nay to a particular person, it is punishable as a misdemeanour'.

the right of universal search, which could be extended almost indefinitely, and whose subsequent abuse shows how far to seek the eminent lawyers of the eighteenth century were, who supposed its use was confined to the search for particular unlicensed works, and that it was little complained of. As to the Press informer, we shall find the Surveyor forcing a bye-law on the Stationers which should have the effect of turning printers into Informers¹.

When L'Estrange took up the *Newsbook*, he was so conscious of this defect that he instituted a system of petty rewards, seemingly on his own responsibility, and, so far as we can gather, without results².

The best criticism of this Act came from the Commons themselves in 1695, when they stated their objections to reviving it. It 'in no wise answered the end for which it was made. . . . There is no penalty appointed for offenders therein, they being left to be punished at Common Law (as they may be) without that Act'. The exemption of John Streater, the Bishop's license necessary for booksellers, the 'right to work' conceded to journeymen by forcing them on masters who had no work for them, the confining of the trade to London, but, most of all³, the right of search, the Stationers' monopoly in classics and the granting of monopolies by the Crown ('whether the Crown had, or shall have any right to grant the same or not') created the feeling which rejected the Bill. So the omission of any fees chargeable to the licenser whereby 'great oppression may be and *has been* practised', affords an opportunity for an attack on L'Estrange.

More than a year elapsed after the passing of this Act, before the Government reluctantly set up the Surveyorship. It seems as if the secretaries were waiting till Birkenhead was safely shelved as Master of Faculties⁴, before they

¹ That when a man applies for the freedom of the trade, he is bound to discover all he knows of seditious printing.

² Though Sir Sidney Lee (art. L'Estrange, *Dict. of Nat. Biog.*) seemed to think there was a stream of informers to 'his shop at the Gun, in Ivy Lane'.

³ *Lords' Journals*, xv., 545b. Mr. Hales in his edition of *Aerographica* (1898), has rightly pointed out that the Commons' objections were, in Milton's phrase, 'arguments of merchandise'. The objections of the booksellers to the expiry of the Act in 1695 were due to the fact that Copyright was hitherto bound up with the *Imprimatur*. The Act of 1710 solved these difficulties. See Birrell's *Seven Lectures on Copyright*, pp. 91-2.

⁴ He got this office in January 1663. Birkenhead's authority in the Press has been the subject of some surmise. Masson thought he assisted Muddiman to write the *Newsbook*. Mr. Williams thinks he merely licensed it. State matters were certainly communicated to him for insertion (see *Newsbook*, 8th August 1662),

elevated his enemy. There was indeed no lack of candidates. Among other more gentlemanly candidates — L'Estrange seemed to have some scruples of a gentleman's 'putting in for it'—a master printer¹ petitioned for the place. In the last moment of hesitation Bennet seems to have demanded some sort of prospectus from the future officer, and in the *Considerations and Proposals for the Regulation of the Press*, L'Estrange seized the occasion in a dedication to the King to score off Birkenhead², and wipe out the last rumours of his disloyalty, by proffering a formidable list of his more recent unpaid activities in the realm of the Press. A pamphlet of some celebrity, the *Considerations* is certainly the most informative and perhaps forceful document of the seventeenth-century Press which we possess. It gained down to recent times a name for horrible severity, which indeed it does not deserve.

One sentence indeed lends itself to a ferocious interpretation. In discussing penalties, he says, 'The ordinary penalties I find to be these — death, mutilation, imprisonment, banishment, etc. — the offence is either Blasphemy, Heresy, Schism, Treason, Sedition, Scandal, or Contempt of Authority'³. But far more reprehensible is the suggestion, 'Why may not the oath of one credible witness or more before a Master of Chancery or a J.P. serve for a condemnation, especially the person accused being left at liberty before such oath be taken to appeal to the Privy Council or to abide the decision'?

But the Statute itself is already a dead letter not only because of inherent defects, but because of the failure of those in authority—the Stationers—to put it in force.

'Scarcely any regicide or traitor has been brought to justice since your Majesty's blessed return, whom either the Pulpit hath not canonised for a saint, or the Press recom-

and he may have owned it in the same sense that L'Estrange owned it. Mr H. R. Fox-Bourne (*English Newspapers* (1887), i., 29) says 'Nedham's real successor was John Birkenhead'. See Mr J. B. Williams' article already referred to (on *Restoration Newsbooks*, April 1908. *Eng. Hist. Rev.*, p. 259, note). Birkenhead's *Imprimatur* is on the first part of *Hadibras*, 11th November 1662, L'Estrange's on the second part, 5th November 1663. (Amos, *Hist. of Cons. in reign of Charles II.*, p. 241, note.)

¹ Thos. Dawkes, *C.S.P.D.* (1661-2), p. 227.

² Sir John we saw reflected on some passages in the *Memento*. There is a hint of a scene at the Indigent Officers' Fund board, chap. iii., 92.

³ It is this passage that Hilger (*Index der Verbotenen Bücher*, p. 217) has in mind when he draws his baleful picture of L'Estrange's rule. Needless to say the reality needed no exaggeration.

Considerations and Proposals

In Order to the

Regulation

OF THE

P R E S S:

TOGETHER WITH

Diverse *Instances of Treasonous*, and
Seditious Pamphlets, Proving the
Necessity thereof.

BY

ROGER L'ESTRANGE.

LONDON, Printed by A.C. June 3^d.
M. DC. LXIII.

mended for a patriot and Martyr (besides the arraignment of the Bench for the formalities of their trials). What is the intent and what may be the effect of suggesting to the people that there is no justice to be found either in your cause or in your Courts (both of which are struck at in the same blow) is submitted humbly to your royal wisdom.

'Since the late Act of Uniformity, there have been printed nearly 30,000 copies of *Farewell Sermons* (as they call them) in defiance of the Law'.

By an ingenious calculation, the surveyor now suggested that by a fine levied on each impression of these sermons equal to the value of the book, a sum of £3,300 would be realised, with which the supernumerary printers might be bought out.

'It is noted for a very rare thing for any Presbyterian pamphlet to be seized and suppressed unless by order from above'. Nor did the *Farewell Sermons* give any signs of diminishing popularity. A day or two before this Epistle to the King, Roger had seized several bundles.

The circumstance was driven home that despite the Act, and despite all the Surveyor's activities, scarcely one person in five was brought before the secretaries, and as for the Stationers—those false trustees of the Press—they had not been responsible for a single conviction. Bribery did its work, too. The rich got off, the poor Keaches and Calverts were taken.

There was always the difficulty, too, of knowing where to attach the chief blame when the author was not forthcoming. From author to bookseller or hawker there might be a dozen people engaged. The plan is to 'let the obligation of discovery run quite through, from the first mover of the mischief to the last disperser of it'. The Act had ignored the hawker; then came the class of concealers, men who let their cellars and warehouses for storing these forbidden wares. The Act said nothing of these.

Moreover on looking into the actual state of the Trade, we find some forty printers beyond what the Act and the bye-laws allow, to say nothing of occasional interlopers, men who, by reason of the vexatious system of general monopolies, busy themselves perforce with nothing but

sedition or treason¹. It is unfortunately to the interest of the booksellers to make this class as big as possible and as poor. They are the sweaters of the book-trade, and by their means the printers are reduced to the position of slaves. 'The usual agents for publishing (he speaks chiefly of libels) are the printers themselves'.

It is open to the author to take his copy to a bookseller, who finds a master printer, but if the copy be 'mettlesome stuff', it is convenient to have as few intermediaries as possible, and the deal is generally reduced to author and printer.

The decree of 1637 had attempted to reduce the number of master printers to twenty (exclusive of His Majesty's Printers), and the Dean of Arches (Sir John Lambe) had presented the names of twenty-one suitable persons²—no others to be appointed except as vacancies occurred, and then only by appointment of the Archbishop of Canterbury or Bishop of London³.

This liminary clause had been repeated in all succeeding enactments, but was somewhat futile. The present Act reiterated it, but little attempt was made to reduce the printers⁴, because no provision (another defect of the Act) was made for draughting the supernumeraries into other trades. To help these men out was L'Estrange's proposal, an excellent plan never realised, because of the opposition of the Stationers, scarcely one of whom—the King's Printers often not excepted—but had concealed shelves of unlicensed wares.

For the rest let the Printers put their names to all works as required by the Act. Interrogate (on oath) candidates for Printerships as to their knowledge of secret Presses, and make it penal for printers to escape the Act by

¹ See the Printers' Petition, 1663-4 (Bigmore and Wyman, pt. ii., Parl. Papers, No. xvi.), despite the Act of 1662 more presses and more masters are set up and more apprentices instructed: at the time of petition nearly 70 Printing Houses and 150 apprentices. *If none but licensed work is to be done, a great many of these must starve.* Hence they pray for a clause in the revised statute to prevent licentiousness in the Press by keeping down the numbers. In 1641 the interests of booksellers and Printers lay parallel, by getting rid of the Patentees. Now they are saddled with that nuisance, their interests diverge. See the Petitions of 1641. *Ibid.*, Parl. Papers, i. and iii.

² *S. P. Dom. Car.*, i., 307 (85).

³ Arber, *Transcript of the Stationers' Registers*, v., lii. and liii., 669. See the Decree of 1637, English Reprints, *Arcepsagistica*, ed. E. Arber (1868), p. 9.

⁴ The Act of 1662 did not extrude anybody then set up as a master printer, who could show that he had passed through the ordinary course. But no others were to set up till the legal number (20) was reached. The Draft of a Proposed Act (*S. P. Dom. Car.*, ii., 39 (95)) left it to the authorities to extrude as they saw fit.

antedating their work. Make a holocaust of the old masters of treason, Rutherford, Douglas, Calamy, etc.¹

Lastly, bribe the poor printers to discover the authors of Regicides' Speeches, Trials, etc., and keep a strict watch on all carriers, posts, and coaches leaving London. All packages sent down to the country containing books are to be clearly marked, and at Stationers Hall strict inquest is to be made, and books kept with information of all unlicensed books.

To sum up the enormities of the trade, 'those stationers that would otherwise be honest are forced either to play the knave for company or to break; for there's scarce any other trading for them, but in such trade'.

From these considerations Roger turns to the Stationers and Printers. The Act had vested in them an almost sole control of the Press, yet they are the worst offenders. Their Society has never been purged for its compliance during the Commonwealth. They dabble in seditious books, and defeat the object of their own weekly searches by timely warnings to friends. They keep the whip hand of the Printers and are interested in maintaining their numbers to excess.

As to the latter, they have of late petitioned to be incorporated apart from the Stationers². But they themselves in many cases are their own stationers, and have all along shown such a hatred of a class which must be maintained—the loyal monopolists—that they can be trusted still less than the booksellers. The old honest printers went to the wall in Oliver's time, and his creatures now monopolise the trade. They are generally confederated into little seditious groups, and it will be hard to find twenty honest men among them³.

'Tis true the printers' interest is not so great as the stationers, for when he gets 20 or 25 to the 100, for printing unlawful books, the other doubles, nay, many times trebles his money by selling it'.

The repetition of the demand for a survey of written

¹ He has specially the *Phoenix* in view, see chap. iv.

² This undated Petition is probably prior to the 1662 Act. *S. P. Dom. Cav.*, ii., 22, Nos. 8, 81.-ii.

³ 'It were a hard matter to pick out 20 master-printers (the legal number) who are both free of the trade, of ability to manage it, and of integrity to be entrusted with it, most of the honest sort being impoverished by the late times'. Yet their numbers are more like 60 with 100 journeymen, than 20 with 40, and this withal without counting the interlopers.

matter publicly exhibited, the hint of disincorporation for the Stationers, and his vehemence against the Printers, increased the enmity of these bodies, which largely frustrated his efforts in the Press for the next twenty years. But the Pamphlet recommended itself to Arlington at a moment when the secretaries were alarmed by the dangerous movements which characterised this year. On the 15th August 1663, the King appointed Roger L'Estrange to the long-mooted Surveyorship of the Presses, now for the first time erected into an office. The mass of expert knowledge he displayed, his mingled good sense and zeal, had persuaded the Court that he was a fit Governor of the Press, and so long as he was paid, he continued so.

From this appointment we are now able to take a view of the most persistent effort to gag the Press and the classic example in England of a continuous effort to control her malign forces.

As to *Considerations*, etc., it does not pretend to be anything more than a plain view of the Press couched in the language of a minority report. It accepts unhesitatingly the view that the Press is a doubtful good, a thing to be referred continually to a Government department—in large part, a branch of sedition, 'the honest work being little' and that monopolised into the hands of a few, for whom it is the reward of loyal services. It is Crown property, gifted to the loyal, and those interlopers who dabble in it are to be treated as the very spawn of sedition.

Granted such a view—and it was the view held by English judges for at least twenty years more¹—the *Considerations* is a most logical account. The charges of cruelty, except in one striking particular already noted, are scarcely just. In one respect, a scrupulous regard for the buying out of supernumerary presses and the providing for the outcasts, it is more lenient—and prudent—than any other of these documents.

Aeropagitica is an impassioned and lofty appeal to higher instincts against the *Imprimatur*, the first so far as we know to trace that disgraceful bondage historically from the Council of Trent, and to deduce the fact that

¹ Viner (*Abridgment* (1742), xvii., 208) quotes the arguments put forward, and admitted in the case of the Stationers v. Parker, 1 Jac. 2 in B.R.

I. Because it is an art introduced by the care of the Crown.

II. Because of the inconvenience that may redound to the public from the mismanagement of the Press. See also *Modern Reports*, i., 256.

without a thorough adoption of the full methods of the inquisition, such half measures of tyranny as had been adopted in English Statutes are nugatory¹.

Mr Fox-Bourne well says² that in its day it had no greater effect than to eke out a faltering excuse for the Stationers, who had failed to do their duty in cleansing the Press. Whereas Locke's appeal to Parliament in 1694 logically argued from practical considerations rather than the dignity of authorship, or of man, may have actually determined this troubled question. It was not the *Imprimatur* (though he had his quarrel with that) which moved him so much as the exactions of the 'lazy and ignorant company of stationers'. His sojourn abroad—that is in Holland, rather than France—had taught him to despise the restraint and monopoly in books in England, whereas the Dutch had freely advanced a great trade by providing in excellent and cheap editions, not only the Bible but all the classics, and so could anywhere, even under unequal conditions, defeat any attempt at English competition, and capture as it did in a surreptitious way the whole English market³. An author's copyright was just enough for a period of say fifty years, but the hideous system of general monopolies, introduced in Elizabeth's and James I.'s reign, of a patent in Tully and Cæsar was unspeakably wicked⁴. The truth is that when Locke wrote, the urgency of the *Imprimatur* was not so great, for that question had already solved itself. Again and again, it is true, in the political heat of the next century, the question was revived, notably in 1738 and 1772, when the Government, maddened by the assaults of too numerous critics, contemplated for a moment a measure which Hume and Johnson seem to have approved. It was thought expedient in these two years to republish Milton's great Tract with annotations to prove the detested nature of the *Imprimatur*,

¹ There had been earlier *speeches* in this vein, as that of Sir Edward Dering in the Commons House, 1640. (Rushworth, *Hist. Coll.*, iv., 55.)

² *Life of Locke* (1876), ii., 312. So Hallam, *Cons. Hist.* (1879), pp. 611-12.

³ The eighteenth-century view of the Law Monopoly given by Viner (*Abridgment* (1742), xvii., 208) is emphatic. 'I believe . . . there is not one individual gentleman of learning but thinks the patentees have most grossly abused it. . . . Whence arises the great disesteem entertained by Foreigners of our Law, but from the trifling paltry books which the Patentees from a plenitude of power have from time to time ushered into the world'.

⁴ See Mr Augustine Birrell's *Seven Lectures on the Law and History of Copyright in Books*, pp. 92-6.

thus showing the permanence of Milton's noble ideas over L'Estrange's forgotten *Considerations*¹.

As has been said Locke cunningly addressed his main appeal to the disorders occasioned by the General Search Warrant, the feature which had wrecked the Bill of 1661.

The conviction of the futility of any but a thorough-paced tyranny of the Press, such as L'Estrange almost attained in 1664-6, was at the bottom of more than Milton's tract.

In his Preface (1711) to the seventh volume of his *Review*, Defoe remarked that, 'The Government ought to be of no party at all. Had the ministers of the last 20 years, nay I may say the last 50 years, practised this we had had no Revolution'. Further, 'The stopping of the Press will be the opening of the mouth, and the diminution of Printing will be the increase of writing in which is tenfold, because no authors can be found out, or punished if they are. And this made Charles II. (and he understood these things very well), say that the Licenser of the Press did more harm than good, and that if every one was left to print what he would there would be less treason spread abroad and fewer pasquinadoes'².

At the same time in 1721, this same author warns us that 'the liberty of the Press may be the most needful liberty, but it is the most abused Liberty in the world'³.

It must be noted that throughout his long connection with the Press, L'Estrange makes no quarrel with monopolies. Yet this grievance even more than that of the

¹ In 1738 the cause of the reprinting of *Aeropogetica* (with the poet Thomson's Preface) was the recent restraint on the Drama, in 1772 the series of troubles associated with the names of Wilkes, Junius and printer Woodfall. 'A design is now ripening to restrain the liberty of the Press', says the Preface to the latter. See T. Holt White's Edition (1819), p. 129 *et seq.* See also the series of articles on the Liberty of the Press, *Gentleman's Magazine* for August 1737 and April 1738. For Johnson's views see *Lives of Poets* (1781), i., 153-4. 'It seems not more reasonable to leave the right of printing unrestrained because writers may be afterwards censured, than it would be to sleep with doors unbolted because by our laws we can hang a thief'. 'Servile sophistry', is Haley's comment, quoted by Holt White. Hume (*History*, viii., 312) expresses the same sentiment more guardedly. The earliest reprint of *Aeropogetica* is the abridged *Reasons Humbly Offered for the Liberty of Unlicensed Printing, with the True Character of Ed. Bohun* (1693), by Charles Blount who, according to Hilger (*Index der Verbotenen Bücher*, p. 217), was chiefly instrumental in the final expiration of the Act.

² The few occasions on which Charles interfered with the License, as well as his sound sense, might confirm this statement of his view. On the other hand he undoubtedly backed L'Estrange in his dealings with the Stationers.

³ Defoe (*Life* by Wm. Lee, ii., 446).

Imprimatur was the real bone of contention between authors and the Stationers.

George Withers long ago and in a prison wrote his *Scholar's Purgatory* to condemn the rapacity and rogueries¹ of the Stationers. The Universities for many years contested their rights and were instrumental after 1672, through the Presses at Oxford and Cambridge, in cheapening 'Bible' and classical stock. They invoked the aid of the secretaries, first Williamson and then Jenkins, in this struggle against the London monopolists. Taken with the great cases of the contested monopolies of Seymour, Atkyns, and Norton, this struggle ranks with the *causes célèbres* of Printing in the seventeenth century. At the same time the Patentees had their apologists right to the close of the century, and the greatest opposition to the expiration of the Press Act in 1695 came from that quarter, and was backed by the Booksellers who failed from long association to distinguish the argument for Copyright, from that for the *Imprimatur*². The failure of this age to mark the distinction referred to by Locke, between an author's legitimate right in his copy, and the class of general monopolies rightly described by Mabbot when resigning his licensership in 1649 as one of the most grievous monopolies³, is at the bottom of the mischief, and as the former marked the basis of the Queen Anne Copyright Act, so the latter was one serious cause of irritation against the rule of the Stuarts, who after the Restoration encouraged the system to absurd lengths. The mediaeval view of Printing discovered in the apologist for the monopolists in 1694⁴ is nothing less than L'Estrange's view of the Press as Crown property, distributed and delegated to the care of loyal gentlemen. Where they differ is, in the view of the former, that the power of surveying the Press ought to lie with the loyal monopolists, a policy which the latter always contested,

¹ See Arber, *Stationers' Registers*, iv., 12-16. 'Their rogueries were not confined to altering titles, excluding author's names (and interest) after the first impression, and ("if he be not of the assistance of the Coy."), invoking the whole power of the Stationers Coy. to crush the poor author'. See also Birrell's *Seven Lectures*.

² Birrell, *ibid.*, p. 91, quoting Mr Justice Willes in the great case of *Millar v. Taylor*, 1769.

³ Toland (*Life of Milton prefixed to Proseworks* (1698), p. 53) claimed Mabbot (*sic*) as a convert to *Accomplices*.

⁴ *Rawl. MSS.*, C. 896. The writer cites various grants of Elizabeth and the Statutes from 7th Eliz. 6 to 14 Car., ii., c. 33, which protected patentees. See also a copy of *Reasons for Reviving the Act for Regulating the Press*, *Tanner MSS.*, C. 739 (141).

because he wished to see that authority in one man's—his own—hands.

Scarcely a year after his *Considerations*, L'Estrange found an admiring echo in Richard Atkyn's *Original and Growth of Printing*, which came out in the month of the burial of the 'Confederates' (April 1664). Atkyns was the unfortunate Law Patentee, so often mentioned, who was denied restitution of his old monopoly by the judges after the Restoration from the desire—hints North¹—of the latter to print their own cases. Atkyn's book was written to anticipate the renewal of the Act in 1664, and boldly stated that 'the reason why the present Act hath operated so little is most apparent, because the executive power is placed in the Company of Stationers, who only can offend and whose interest it is to do so'². He traced the history of the Press from the days of Mary, and his distraught mind saw in the various Decrees and Acts merely a struggle between Stationers and Patentees—a subject on which he was fairly competent to speak, if not to judge. The Star Chamber Ordinance was to him merely a clever move on the part of the Stationers to gain the complete mastery of the Press. 'Then (*i.e.* 1637) libellous and scandalous books began to fly about like lightning, and when this was strengthened by the Act of 17 Car. i. which abolished the Star Chamber, their mischief was completed'. His close study of L'Estrange's striking pamphlet is shown by his quotations of the amount of sedition, *Farewell Sermons*, etc., printed since the Restoration, and the disparity between that and the number of convictions. L'Estrange, he said, had discovered more in two years than the Stationers in all their history, which is no doubt true. In corroborating Withers' tale of their iniquities, he demanded the limitation of the

¹ *Lives of the Norths* (1890), i., 18. 'The judges had to make that patent (Atkyn's) a monopoly that they might have the benefit of printing their own reports'. See Viner, *Abridgment*, xvii., 207.

² For a good example of their knavery see Norton's complaint to the Council, 1646, *H.M.C.*, App. to 6th Rept., p. 17. Norton's patent in 'Bible' stock was successfully challenged by the Stationers (1644), and the decision upheld at the Restoration. Under 26th August 1666, Pepys writes, 'The son of the Lord Keeper Coventry swore he would rather hang than see his father's decree overruled. This ruined poor Norton'. Atkyns, we saw, was similarly ruined. The complaints of these patentees, whom L'Estrange espoused, was a considerable contribution to old-cavalier indignation. See Norton's Petition to be King's Printer, August 1660. The place is now held by gentlemen who don't understand printing, and the work is done by those who were printers under Cromwell. *C.S.P.D.* (1660-1), p. 24.

Stationers' authority, and that the powers conferred on them by the 1637 Decree should revert to the old Patentees, who were of all men best capable of protecting their rights.

Lest it be thought that Atkyn's complaint was singular as it was selfish, it may be worth while quoting the document referred to above, written long after (c. 1692), which attests the vitality of the monopolist view. After citing various laws and grants to Law Printers, the writer—a person of quality of course—proceeds to say: 'This is the first peaceable age wherein the King's prerogative in this matter of printing the Laws was ever questioned or the aforesaid privileges charged with the imputation of monopolies.'

'Principles of Treason and Rebellions in matters of state have become more insinuated and fomented by the Liberty of the Press than by any single means. So it may seem a question impartially considered whether the use of Printing recompensed the mischief of the Liberty and abuse thereof. *To publish Laws is neither possible nor safe*'¹.

As to the objection that Patentees produce poor and dear work, that is prevented by the Act 25th Henry VIII., by which the Chancellor regulates prices. The Universities and the Stationers have numerous patents, and Germany and Holland flourish under them.

It may be remembered how severely L'Estrange regarded the partial printing of the Regicides' trials. But it was not till the time of 'Scroggs and his brethren' that the matter reached its full urgency. We shall find L'Estrange expressing even more vehemently the same view when the question is not *Law*, but *News*—another branch of the Prerogative. How different this prospect is from that of the 'eagle muing her mighty youth' is apparent, but we are dealing with the 'celebrated', the 'famous', but in no sense 'great' L'Estrange.

The same deplorable idea then inspired Roger when in August 1663 he took over the *Newsbook*, and penned what must be the most insolent foreword that ever disgraced an

¹ *Rast. MSS.*, C. 806, already quoted. It was seriously debated in this century, whether the 'curs'd invention of Printing' was not an unmitigated nuisance. That L'Estrange wrote *A Rope for Pol* (1660), is almost determined by such a passage in the *Add. to the Reader* as 'It has been made a question long ago whether more mischief than advantage were not occasioned to the Christian world, by the Invention of Typography. But never was any question more fully determined than this has been of late years in these nations'. Even Addison has some melancholy remarks on the subject. *Spectator*, No. 582, Morley's ed., p. 825.

editor. Ambition gratified, and revenge partially indulged, are stamped on every line. It is boastful also, and the displaced Muddiman must have smiled bitterly — his services were still requisitioned for the *Book*, by order of the Secretary, at the salary of £3 a week—to see his successor and employer eking out eight pages with scarcely an item of real news.

A word on the history of the *Newsbook* since the Restoration may be desirable here¹. Henry Muddiman first appeared as the champion of Restoration in that feverish week of December 1659, when the report of Monk's entry into England stirred up parties to an incredible activity. His *Parliamentary Intelligencer* devoted itself at first to the prudent demand for a 'full and free Parliament'. To Muddiman as to L'Estrange, the approach of Monk to the City on 2nd February 1660 seemed an alarming symptom as portending a new Dictatorship. But the General's conduct threw the *Parliamentary Intelligencer*, and its Thursday issue, *Mercurius Publicus* (in which Muddiman was assisted by the Scot, Giles Durie²), into whole-hearted service, and equally violent opposition to Scot's salaried editors, Williams and Nedham.

All attempts from the other side to suppress these two popular journals failed because their authors were playing up to Monk's policy, and on the contrary his enemies soon appeared on the defensive. Williams' paper went first³, and on 17th March, the day after the Rump met for the last time, the Council again discharged Nedham, at the same time giving official and sole support to Muddiman's *Parliamentary Intelligencer*, which enabled him till the Council was dissolved in 1660 to issue it by 'order of the council'.

Nedham, however, remained at his post till 9th April, when his *Mercurius Politicus* was immediately continued by Williams.

¹ Mr J. B. Williams's article so often referred to (*Newsbook, etc., of the Restoration, Eng. Hist. Rev.*, April 1908), is the best account we have of this frantic chapter of English Journalism.

² He had already—as the *Thamesian Catalogue* witnesses—done some service against the Republicans and Independents. Muddiman's *Parliamentary Publick Intelligencer* was written to oppose Nedham's *Publick Intelligencer*, and ten days later *Mercurius Publicus*—which recalled the old Royalist memories of 1648—replied to his *Mercurius Politicus*. The *Parliamentary Intelligencer* (E. 182) appeared 19th December 1659; some Scotisms betray Durie's hand in it. *Mercurius Politicus* had one daring revival in the week of the Restoration, 31st May to 7th June (E. 195 (62)).

³ But he immediately continued both Nedham's papers when the latter absconded (12th April is the date of his last *Mercurius Politicus*, No. 615).

Henceforth we find frequent references to H. Muddiman Gent, as the official editor of the Council papers, and one service he did—the publishing of *The Army's Remonstrance*—a document of the last importance which later on gained him great favour from the Restoration Government.

With one or two desultory exceptions Muddiman with his patrons, Monk, Birkenhead, and Nicholas, remained for the first three years of the Restoration sole producer of the official news, both in England and Scotland, and he might have remained so but for the clamours of L'Estrange.

We have already referred to the rivalry between L'Estrange and Birkenhead, which, provoked probably before the Restoration, culminated in disgraceful recrimination at the Board of the Committee for the Indigent Officers¹. Roger justly or unjustly suspected Sir John of those evil whispers to which he imputed his being overlooked at the Restoration, when the latter was signally honoured. The author of so many perilous papers on behalf of Restoration may have thought that he had some claim for at least equal treatment with Muddiman, who might be represented as of the class deprecated by Clarendon who came in with the flowing tide, and ousted the older generation of faithful Cavaliers. But Muddiman's journalistic services since the third week of December 1659 had been great, and more effective than Roger's occasional fire-balls. To gain possession of the *Newsbook* then became the prime object of L'Estrange's agitation, and to this his otherwise barren appointment as Surveyor in February 1662 was an important step, while his demand at that time that written matter should come under his survey was interpreted—probably unjustly—as a menace to the monopoly of written news which Nicholas' grant of free postage and his own excellence in the art had conferred on Muddiman.

The parade of Cavalier grievances in the Commons, specially directed against Coventry, and the consequent turn of fortune towards the Cavaliers marked by that year, may have determined the matter. 'The Press being very foul', is Roger's own explanation of his appointment of the 15th August 1663, to the Surveyorship and *Newsbook*. The first number of the latter shows clearly that in the transfer

¹ Chap. iii., 92. See also an extract (p. 240 of the *Memento*) endorsed 'the cause of the affront offered to Mr L'Estrange', described as an insufferable affront to Charles I. *S. P. Dom. Cur.*, ii., 26, No. 97.

of the editorship there was some notion of turning it to account as the scourge of dissent and the seditious Press¹. Muddiman had from time to time, probably at the instigation of the secretaries, through Birkenhead, animadverted on the Press, but the new *Newsbook* is expressly dedicated to this service in a week by week exposure.

To this circumstance we may look for its favour with the Government while the Press was foul, and the nervousness of the Restoration not yet overcome, but when that stable was partially cleansed, public murmurs would remind the author of a public craving for mere news. In this sense L'Estrange's first attempt at Journalism was 'a failure'.

It has been usual in histories of the early journalism to refer to the audacious first number of L'Estrange's *Newsbook*. Indeed anything more contemptuous of its public, and more in line with the mediæval view of the 'cursed invention of printing', it would be difficult to name.

But it is sincere and casts a doubt on the general imputation of the author's cupidity. He would hardly have so affronted his public if an access of fortune was his sole object. How vast is the difference between L'Estrange and a representative of the later journalism, Defoe! How modern the latter and, to his readers, how obsequious², how pragmatic the former! Yet it was unfair to taunt him with having only six items of jejune news in his first number. The delay on the part of his newly planted correspondence was sufficient excuse for that³, and the occasion for the following foreword and homily addressed to the English public.

*L'Estrange's Declaration on taking up the Newsbook,
31st August 1663.*

'I do declare myself (as I hope I may in a matter left so absolutely indifferent whether any or more) that supposing

¹ It seems to have been stipulated that Muddiman was still to help with the book at a salary of £3 per week. Greed or dislike prevented the Surveyor from making much use of the great journalist's services, and it was not long before the £3 was stopped and 'H. M. Gent' ceased to have anything to do with printed news. He had his revenge later.

² See, for example, the Introduction to his 7th volume of the *Review*. 'For all his meannesses and mistakes . . . he humbly asks his readers' pardon'.

³ The expense of which was great, especially as he did not yet enjoy Muddiman's privilege of free postage. See a letter to Williamson, 16th September 1663. *C.S.P.D.* (1663-4), p. 274. 'Will be at great loss without his help at this point'. The Editor of the *Calendar of State Papers* (1665-6) is mistaken in supposing this to be an appeal for help in the shape of news.

the Press in order, the people in their right wits and news or no news to be the question, a Public mercury should never have my vote, because I think it makes the multitude too familiar with the actions and counsels of their superiors, too pragmatistical and censorious, and gives them not only an itch but a kind of colourable right and license to be meddling with the Government all which (supposing as before supposed) does not yet hinder but that in this juncture, a paper of that quality may be both safe and expedient; truly if I should say necessary perhaps the case would bear it, for certainly there is not anything which at this instant more imports his Majesty's service and the public, than to redeem the public from their former mistakes and deliver and protect them from the like for the time to come. To both which purposes the prudent manager of a gazette may contribute in a very high degree; for besides that it is everybody's money and (in truth) a good part of most men's study and business, 'tis none of the worst ways of address to the genius and business of the common people whose affections are much more capable of being tuned and wrought upon by convenient hints and touches in the shape and air of a pamphlet than by the strongest reasons and best notions imaginable under any other and more sober form whatsoever. To which advantage of being popular and grateful must be added (as none of the least) that it is likewise seasonable and worth the while were there no other use of it than only to detect and disappoint the malice of those scandalous and false reports which are daily continued and bruited against the Government.

'So that upon the main I perceive the thing requisite and (from aught I can yet see) once a week may do the business (for I intend to utter my news by weight and not by measure). Yet if I still find when my hand is in, and after the planting and securing of my correspondence, that the matter will fairly furnish more without either uncertainty, repetition or impertinence I shall keep myself free to double at pleasure. One book a week may be expected however; to be published every Thursday and finished upon the Tuesday night, leaving Wednesday entire for the printing it off.

'The way (as to the vent¹) that has been found most beneficial to the Master of the book has been to cry and

¹ *I.e.*, sale.

expose it about the streets by Mercuries and hawkers ; but whether that may be so admirable in some other respects, may be a question ; for under countenance of that employment, is carried on the present trade of treason and seditious libels (nor effectually has anything considerable been dispersed against either Church or State without the aid and privity of this sort of people), whereupon without enough assurance against this inconvenience I shall adventure to steer another course, which I only mention that in case of being put upon it, I may not hereafter be charged with singularity and caprice for a proceeding wherein I am totally governed by an honest and conscientious reason, and that too in direct opposition to my particular profit.

‘Touching the prosecution of the work, I have already given my sense against *Repetitions*, which I dislike both in respect to the reader and to myself ; for neither am I so good a husband as to vamp my intelligence, nor so foul a dealer as to make any man pay twice over for the same commodity ; for the *matter* I shall endeavour to provide such as may neither tire the reader nor shame the reporter ; and some care shall be taken too in point of order and coherence ; for the whole as well as for parts ; for the story as well as for the pamphlet. Nor shall I give myself much pain about the *style*, but let it e’en prove as it hits and lye as it falls (saving only a constant reverence to authority and truth). Finally after this, if it shall happen at last that I go less then my pretensions, it shall content me that I meant well (at worst), but I have great examples for my comfort and great failures for my excuse. A word now to the second branch of my care and duty, that is the *Survey and Inspection of the Press*.

‘I find it (in general) with the public as with their neighbours there are too many of the trade to live one by another, but more particularly I find them clogged with three sorts of people—Foreigners, persons not free of the trade, and separatists, which I offer to the end that when it shall be thought fit to retrench the number, the reformation may begin there. In the meantime to prevent mischief (as far as in me lies) and for their encouragement that shall discover it, take these.

- ‘(1) To any one who discovers a private Press, hole or corner, “let him repair with such notice and make proof thereof to the Surveyor of the Press (at his

office over Brome's shop, the sign of the Gun in Ivy Lane) and he will get 40s. with what assurance of secrecy himself shall desire."

'(2) £5 is offered for discovery of such a libel in printing.

'(3) 10s. is offered for discovery of an unlicensed book printing.

'(4) 5s. is offered for discovery of a seditious book being sold by the hawkers.

'But alas discovery signifies little without punishment; wherefore it is of great concern to provide that men may not thrive upon their transgressions, and get ten times as much by a fault as the pay for a composition, which has been but too much a practice of late among the inferior vi(pers?) of the Press'.

Then follow the six scraps of intelligence which excite the ridicule of the latest historian of seventeenth-century Journalism¹.

Besides the journalistic reforms and promises proposed here—which he did not very long observe—the main thing grasped by a seventeenth-century reader would be that the familiar *Newsbook* was to be turned into a pamphlet of a semi-political nature, the police-budget of the seditious Press, and its express object to dragoon the multitude into paths of loyalty and submission, precisely the idea which later on inspired the *Observer* and *Heracitus Ridens*², and the common note of Tory journalism in that age. As it has been cynically said that only a man who has at some time disgraced himself can make himself thoroughly agreeable, so the best journalists were men of the renegade type—the Nedhams, Thompsons, and Cares, or those who, like Muddiman, progressed slowly towards one side or the other. Possessed by the humour of change and allowance, their mercenary pens had always an eye to the interest of mere news and gossip. But the L'Estrange type was vicious in its loyalty, and a red rag to the populace.

¹ Williams, *History of English Journalism*, p. 188. See also art. in *Eng. Hist. Rev.* (1908), p. 263. 'Their scanty news was carefully spread out and printed in large type—by these means he made them bring in treble the amount they had done in Muddiman's time'. Yet 'the single Gazette far exceeds in profits L'Estrange's double sheets' (Jas. Hickes to Williamson, 8th August 1666, *C.S.P.D.* (1666-7), p. 21).

² See the first number of *Heracitus*, 13th February 1681.

This first number must have made men prick up their ears for the coming contest with the seditious party, and so it was said long after that L'Estrange could not dip his pen in ink without embroiling the nation. So comfortable and typical Mr Pepys was disappointed in the first number¹. Indeed it was not long before Muddiman began to perceive by the increased sale of the *Newsletters*—for which, it seems, the *Newsbook* was designed as a supplement, rather than independent species—that his department of news-mongering was a considerable and growing one, and he might yet hope to compete with L'Estrange's unpopular book².

As to the rest, the alarm created in a news-loving people by the threat of dropping one of the weekly issues³, was no doubt equalled by the disgust felt for one who professed a fair deal, and in the same breath cut down the book from sixteen to eight pages, who could not 'vamp' his intelligence and promised an increase of interest in the matter, and yet 'vamped' out his whole first paper, and, as it soon appeared, provided the most jejune news from all parts of the world save England, or if he did touch home news, avoided those tales of superstition and witchcraft which are an incredible feature of the vulgar mind of the age, and substituted mere diatribe against the other side of politics, or proclamations, or an occasional trial.

The phrase 'the other side' is perhaps a misnomer. There was only one side—a loyal support of the Government. All else, to minds like L'Estrange's, belonged to the dubious world of sedition. A toleration for a reasonable political criticism had not yet been evolved, nor did the machinery of Government provide for a change. So that a journal which savagely attacked all anti-Government cabals—and did little more—was bound to attract much odium, even though its news had not been 'vamped'. Parliamentary news, of which there had been a great deal prior to the Commons Resolution of 15th June 1660, was barred out

¹ It 'makes but a simple beginning'. *Diary*, under date 4th September 1663. Roger applied to Pepys for Naval news, 'which', says the latter, under date 17th December 1664, 'I shall as I see cause, give him'. Pepys adds: 'He is a man of fine conversation, I think, but I am sure most courtly, and full of complimenting'. See also under date 15th August 1665. It is abundantly obvious that the Diarist did not like the strenuous journalist.

² 'It became so large that it attained the dimensions of an Institution'. Williams, art. *E.H.R.* So *Hist. of Eng. Journalism*, pp. 186-8.

³ *Newsbook*, No. 65, 5th August 1664. In this he was wisely overruled by his friends.

and left to the enterprising newsletter-writer, hence those efforts of the Surveyor to bring it within his scope¹.

If we glance at the matters of public interest during L'Estrange's tenure of the *Newsbook*, we see copy in the ecclesiastical situation, the Yorkshire Conspiracy with the trials of the Northern Traitors, and their printing 'Confederates' in London. The notices of the Indigent Officers Board, the deaths of the chief 'Confederates' in prison, and funeral processions of dispossessed ministers, the movements of the sectaries all over the country after the Five-mile Act, and the operation of the Conventicle Act, all these may reasonably have interested the public.

Then towards the close of 1664 all interest merges in the preparations for the really popular war with the Dutch, which should at least have provided the journalist with a budget of news. A sign of L'Estrange's waking up in this direction is his application to Pepys for shipping news in 1664, which, records Mr Pepys, 'I shall, as I see cause, give him'. Yet indeed the inadequacy of his war news was the ostensible cause of his being superseded. Whilst it was a matter of relating the indecencies of the sects at Norwich, Newbury, or Dover, the treasons of itinerant ministers in their compulsory 'rustic wanderings' due to the Five-Mile Act, the *Newsbook* is a good annalist, and describes in caustic and vengeful style the effects of the Bishops' policy. But when all eyes are turned to a matter of national importance, the Dutch War, the book sadly proves the parochial mind of its editor. If there was one duty of a gazeteer in those days, it was to blazon forth the heroic virtues and victories of Princes, even at the expense of a little truth. L'Estrange neglected this duty and omitted altogether that encounter with Opdam in which the Duke of York is said to have signalled his courage, while he, perhaps unwisely, 'did justice to Lord Sandwich' when the public credited the

¹ Mr Williams (*Eng. Journalism*, pp. 86-8) says that the *Newsbook* was still ancillary to the *Letter of News*. But this view is surely an exaggeration due to the fact that the *Newsletter* was undoubtedly the older form. In 1663 the circulation of the *Book* must have been vastly more than that of the *Newsletter*, but the latter, owing to the Restoration restraint, gained tremendously down to the Revolution. See *Observer*, i., 259.

'*Trimmer*: For your common *Newsletters*, they are scarce sooner read than forgotten.

'*Observer*: Do not you know then that there are hundreds and hundreds of sets of 'em (the baser sort) fairly bound up, posted and preserved in a condition to be delivered over to Posterity, and that in time to come these Collections will be lookt upon with the same reverence as we ourselves pay at this day to the most authentique Manuscripts of former times'.

Duke with all the merit of the action, though the latter was magnanimous enough to divide his laurels with the Earl¹.

It is true that L'Estrange, on the 8th and 10th June, hurried into print *Two Narratives of the Signal Victory of the Duke of York over the Dutch*². But the *Newsbook* itself should have been vocal on such an occasion.

The Plague might have given L'Estrange an opportunity for retrieving some part of his credit, and indeed he showed considerable activity and courage, staying in London during the whole period when the Court and Williamson removed to Oxford, the latter leaving Muddiman to look after his papers. Without a single break the *Newsbook* continued through that disastrous epidemic, and was turned into a kind of bureau of information, and a means of publishing the orders and hygienic advice of the City Fathers to the stricken city. There was a reason for this activity. From a hint in the *News* of 15th July we gather that this visitation of Nature was being used by the ill-disposed and seditious 'to lay the stress on the wrong place, and to cut off all communication and correspondence with the City', for the prevention of which L'Estrange is ordered to give regular accounts of the ravages of the disease; hence some rather useful Bills of Mortality which should be quoted in any account of the Plague.

What form those sinister attempts referred to took, it is difficult to say, beyond that we know that many of the clergy fled and left the city pulpits to the Conventiclers who boldly continued to minister to the people, and incidentally to ascribe in their veiled language the terrible visitation to the hand of God, or the blood of the regicides³. As

¹ The danger of praising any one but the Duke is noted by Clarendon (*Continuation*, iii., 580). *S. P. Dom. Car.*, ii., 124 (25).—'All were dissatisfied with his relation of it. There was no account of the Duke of York's singular encounter with Opdam. Prince Rupert was not even mentioned'. There is a letter of Lady Fanshawe's to her husband (Reports Commissioners, 39 (227), 13th January (28), 1666) 'Nor must I likewise forget that your friend Mr La Strange hath among his news put in a letter from Madrid highly in thy commendations and his own sense thereupon higher, for which I do not doubt but he will have a good reprimand'. On 15th April 1664, his printer referred to the Duke as 'His Holiness', a particularly unfortunate error.

² Of the same size, type, and paper as the *Newsbook*.

³ Baxter, *Life*, iii., 2. 'When the Plague grew hot, most of the conformable ministers fled'. The silenced 'ministers more openly and laboriously preach the gospel'. See in this connection Zachary Crofton's *Defence from the Fear of Death* written in prison 1662, and published in the year of the Plague. He speaks of meeting hordes of London ministers in his 'rustic wanderings' (he could not come near London of course) who had deserted their places, and praises the brave Non-conformist ministers who stayed. See also the catalogue of a *Collection of Broad-sides*, by R. Lemon (1866), *Charles II.*, p. 131, No. 566—'A Pulpit to Let'. Dr Stoughton (*Hist. of Religion in England*, 1901, iii., 355) has described the state of the City churches during these months.

London had recently been the scene of numerous ejections and conventicle-raids, in which the rabble heartily joined, it is easy to perceive where these preachments tended, and how even the suspicions that a renewed attempt on the city was contemplated when all its guardians were withdrawn might be entertained¹.

Already, despite the doubling of the paper without raising the price on the outbreak of the war (27th April)—which was simply bringing it back to the old sixteen page size—public dissatisfaction with the *News* had grown so great that the Government had made certain overtures to Marchmont Nedham, who by this time—he had, it will be remembered, returned at the Restoration to his old healing art—had made public his easy repentance. That other journalist, Muddiman, was still attending to Williamson's affairs in London, when the Nedham overtures having failed, a more determined effort was to be made to oust the Surveyor. To this end Muddiman's excellent and wide correspondence was an object of desire on the part of Williamson, and whilst we need not enter into the sordid intrigue which has been already so well described², in which James Hicke of the Post Office was employed to steal the correspondence, it is sufficient to say that the scheme was successful, and that the outraged Muddiman, as a solace, was employed for a while to edit the paper produced at Oxford to beguile the tedium of the exiled Court. This was the famous *Oxford Gazette*, that under the name of the *London Gazette* is the most ancient of our modern journals, and still retains more of the jejune character of the original than the Roman type of the title. The author alluded to says that 'its size and shape—that of the sheets of written news—shows it was actually intended to be ancillary to the Letters of Intelligence, and it represents the lowest state of degradation of the party press. It was an open recognition of the fact that it was no longer possible to print news freely. The "general applause" with which it was received, speaks

¹ *Ballard MSS.*, vol. xxxii., No. 52. Wm. Bishop to Dr Charlett, 1717-18. 'After the Restoration, when we had a war with the Dutch, it was discovered that most of the Dissenters held a correspondence with the Dutch in order for erecting here a Commonwealth which was one if not the chief reason for making the Corporation Act, as was fully made appear then, especially, if I mistake not, by Sir Roger L'Estrange'. Dr Stoughton notes (*op. cit.*, iii., 349) that Aphra Behn was employed at Antwerp to spy on these correspondents. *C.S.P.D.*, 1666-7, xxvii.

² Article, April 1908, in *Eng. Hist. Rev.*, by Mr J. B. Williams.

eloquently of the condemnation of L'Estrange by the public'¹.

Yet there seems little to warrant the burst of applause beyond the fact that a rigorous and tyrannical monopoly in unpopular hands was invaded by high official persons. The *Gazet* was to be almost the sole journal till the Popish Plot, and those students who look to the newspapers of the period for historical matter and colour, will look in vain for such material in these dozen years of the *Gazet* monopoly.

But with the terror of that crisis, and the appearance of bold Whig journals, the *Gazet* for a while became a valuable repository of proclamations, trials, and discoveries. Thereafter with the suppression of the Whig journals it relapses into the official, but useful, dry-as-dust of its original conception.

Apart from the failure of L'Estrange to do justice to the Dutch War, and apart from the malice and greed of his enemies, the character of the *Gazet* gives us a clue to the reasons for his supersession. The question of advertisements was a keen one. In the old *Mercurius Politicus* Nedham eked out his forty shillings per pamphlet allowance from Scot, by a fair number of half-crown advertisements and Muddiman had not scorned the same source. We perceive that L'Estrange more and more admits this lucrative element, even before he restores the book to its original dimensions. It was complained that he used it solely for his profit. Williamson took the purist view that an official journal was not a place for advertisements. The *Oxford Gazette* studiously rejected them, and from later notices which appeared concurrently in the *Gazet* and the spasmodic *Current Intelligence*², we note how strong the distaste was.

¹ *Eng. Hist. Rev.*, p. 267. *S. P. Dom. Car.*, ii., 137 (24) and 137 (99), 25th November, Sir G. Downing to Williamson.—'The Gazette gains great reputation, and being in so small a volume, can be sent anywhere'. See Introduction to vol. 1665-6 of the *Calendar of State Papers*, pp. 4-6.

² *Gazet*, 14th June, 1666, an advertisement:—'Being daily presst to Republication of books, medicines and other things, *not properly the business of a paper of Intelligence*. This is to notify once for all that we will not charge the *Gazet* with advertisements *unless they be matters of State*; but that a paper of advertisements, will be forthwith printed apart, and recommended to the public by another hand'.

The advertisement is almost identical in *Current Intelligence* 18th June, which proves that it also emanated from the Secretary's office, where the *Newsbook*, much to Williamson's chagrin, rested. The paper of advertisements referred to made its appearance in the spring of 1668. It is the *Mercury*, or *Advertisements Concerning Trade*. On 4th November 1675 *The City Mercury* appeared licensed

The feeling that L'Estrange had vulgarised the book, been too personal and harped too long and too exclusively on the seditious libels topic, and been too averse from the dull and proper reserve of a state organ, was also there.

It is not to be supposed that the author of the *Caveat* suffered this relapse gladly. The State Papers preserve several indignant and despairing protests to Arlington. He refused to have anything to do with the perfidious Williamson.

On 15th October 1665, the latter wrote to L'Estrange a letter which points to the feuds and envies of the journalists.

‘ OXFORD.

‘ I am sorry the distance in which we are from you deprives me of the occasion of helping you in your composing of the public news, as would be better for His Majesty’s service and your own reputation. I have often advised you to agree with Mr Muddiman in this matter, who having had the good luck and opportunity of falling into the channel of those things, would have been very useful to you, and in despair of seeing this effected in the future, I take the freedom to propose to you that if you will relinquish to us the whole right in the composing and profit of the *Newsbook*, I will procure for you in recompense of it a salary from his Majesty of £100 per annum.

‘ If I tax it too low you must blame yourself for having told me several times that the duty of it is very burdensome to you and the profit inconsiderable. I pray you let me have your answer to this by the post and to assure yourself in the (certainty that his betrayer has his best good at heart and that “even this proposal proceeds from that root”)’¹.

Roger had probably himself to blame for his prevarication over the profits of the book, which he was now anxious to magnify. Years after he again declared that he made very little out of it, but in saying this he meant to set down to the debit account his whole expenses as surveyor. In his

and possibly edited by L'Estrange, who may also have been the ‘other hand’ of the above advertisement. The delay in the appearance of the promised *Papers of Advertisement* was due to Roger L'Estrange, who stopped them by virtue of his patent and (25th June 1666) issued *Publick Advertisements*—an immediate failure.

¹ *S. P. Dom. Cur.*, ii., 134 (103), quoted *C.S.P.D.* (1665-6), p. 15.

reply two days later to Arlington, not to the insufferable Williamson, he unblushingly screwed up the profits as high as he had formerly depreciated them.

L'Estrange to Arlington.

'LONDON, 17th Oct., 1665.

'MY LORD,—I have passed many a thought upon your Lordship's of the 15th inst., which I had the honour to receive yesterday, wherein upon the whole matter, I find only first an abundant instance of your exceeding generosity and goodness, which I shall ever acknowledge with an eternal submission and respect.

'Your Lordship is pleased to charge me with some miscarriages¹ in the *Public Intelligencer* since I was out of distance of your express discretion, wherein I dare not justify myself, although upon a strict reflection, I cannot pitch upon the particulars, but I hope the service I have done his Majesty otherwise during the time of Liberty and Contagion, the hazards I have undergone on that account, may weigh down those failings. As to Mr Muddiman, I did once make use of him, and found him very short of intelligence, but it was during Mr Williamson's sickness and that perchance might be the reason of it. Now if Mr Williamson could be pleased to engage him to deal more openly with me, I should take the same agreement over again for an obligation, and immediately set the whole again in motion.

'Touching your Lordship's proposal of relinquishing my right in the *Newsbook* upon a consideration expressed, it is certain that both in gratitude and justice your power over me is without limit, but then let me offer withal that it would utterly ruin me, the books being now improved to about £400 a year, for I did ill explain myself if I was understood to complain of the *Newsbook*; for my trouble was

¹ The Government's anxiety to have the Duke's fame in the victory of the 3rd of June trumpeted in the City 'to avoid miss-reports', is shown in Arlington's letter to the Lord Mayor, 5th June (*C.S.P.D.* (1664-5), p. 108), in which he does not mention Sandwich. See also Pepys under date 14th June, 1665:—'I met with Mr Cowley who observed to me how he finds everybody silent in the praise of my Lord Sandwich to set up the Duke and the Prince. . . . This day the *Newsbook* (upon Mr Moore's showing L'Estrange Capt. Ferrer's letter) did do my Lord Sandwich great right as to the late victory'.

the excessive charge of entertaining spies and instruments for the . . . of the paper which cost me about £500 out of my pocket the first year, and if your Lordship had not most charitably promised me £200 from his Majesty for my supply I had found a greater obstination in the work.

'I shall give you, my Lord, no further trouble at present than to present your Lordship with the wishes of all imaginable comforts.—Your most obliged and ever obedient servant.

'ROGER L'ESTRANGE'¹.

Two more frantic letters to Arlington were despatched by the threatened Surveyor before a final appeal—and a successful one—was made to the King. On 19th October² the writer again reminded the Secretary of his thirty years' devotion, and his undoubted service during the Plague which had invaded his family, and had laid low eighty members of the trade with which he dealt.

When he spoke lightly of the profits of the *Newsbook*, he was reckoning the great initial drain on his purse—of which he had informed Arlington at the time, and for which he received assurance of security—of organising a system of espionage in the Press, planting correspondence and establishing himself in a large house with servants, etc. All which must now fall and himself be 'marked out for beggary and infamy'. In the last resort (21st October)³ he again recurs to the prospect of employing Muddiman at the old price, £3 a week.

But the resolution was already taken and measures projected for the new *Gazet*. The naming of this journal was a matter of difficult choice. Newcombe, one of the old Commonwealth printers lately railed against by L'Estrange, was engaged to print the London edition, and all that remained to be done was to get Roger's book prohibited and the free postage he had enjoyed at the good instances of Countess Chesterfield—despite Sir Philip Frowde's hostility during the Plague—revoked, while any other obstacles which Arlington's lately obtained mastership of the Post Office might suggest, were to be used for the purpose.

Thus by a combination of enemies within the camp he

¹ *S. P. Dom. Cor.*, ii., 134 (11).

² *Ibid.*, ii., 135 (8).

³ *C.S.P.D.* (1605-6), p. 22.

espoused, and irrespective of the great malice he had caused outside¹, by means which were highly discreditable to all concerned, L'Estrange saw himself undermined and forsaken, his boasted patent waste paper, and his livelihood slipping from him. The *Gazet* appeared at Oxford, 16th November 1665, and was quickly re-issued by Newcombe in London. The 'general applause' which greeted it—much of it manufactured no doubt²—urged him on to even more frantic and vain efforts of competition. The number (28th November), in which L'Estrange imitated the *Gazet* in size and style, displays both his despair and the consciousness of the triumph of the new journalism.

Then at last he made that appeal to the King already alluded to, and obtained a settlement which, had it been carried out faithfully, might be regarded as generous, and which at any rate stole away Williamson's spoils. Roger was guaranteed £200³ from the secret service money, to be paid annually by Arlington. Even if his estimate of an increase of revenue from the *Newsbook* from £200 in 1663, to £400 or £500 in 1665, were true, a pension of £300 a year was compensation enough. But for the loss of prestige there could be no remedy. The only source of comfort was that the *Newsbook* 'was taken into the secretary's office', which may have meant that Williamson failed to get the profits arising from it⁴, though since we know from James Hickeys that the single-sheet *Gazet* far outdid the old *Newsbook* in profits⁵, the £100 burden on it to L'Estrange would not be a very serious handicap.

While it may well be said that the *Gazet* 'represents the lowest state of degradation of the party press'⁵ (though why 'party' seeing that it checked every manifestation of the party conflict) 'it is probably an exaggeration to say that it became ancillary to the Letters of Intelligence'. Such is the pre-eminence of printed matter over manuscript that we have preserved for us several copies of the *Gazet* for these years,

¹ The quality of his employment was 'to tease and persecute the whole rabble of the faction which I have done to such a degree that I have drawn upon my head all the malice imaginable'. *S. P. Dom. Car.*, ii., 135 (S) 19th October, 1665, Roger L'Estrange to Arlington.

² Pepys—who had said of L'Estrange's first attempts: 'He makes but a simple beginning'—under date 22nd November 1665. 'This day the *Oxford Gazet* came out, which is pretty full of news and no folly in it.'

³ He makes it £250 in his begging letter to Jenkins, 1684. *See* chap. xi.

⁴ *Ormonde MSS.*, N.S., iii., 351-2.

⁵ Page 145, note.

but only stray volumes of the written news¹, from which we are still able to judge its superior, more intimate and gossipy character, and to see why by the richer part of the community—or even the less wealthy, by subscription—it might be preferred. But though one newsletter generally served a whole country-side, the expense—about £5 a year—must have restricted the recipients of Muddiman's letters in the country, whilst City readers would scarcely trouble to pay heavily for what they could read comfortably and with social and caustic comment of boon fellows at the tavern and coffee-rooms, the keepers of which sometimes wrote the letters themselves².

The *Gazet* gave the news of Paris, Stockholm, The Hague, Edinburgh, Dublin, Vienna, etc., though without any attempt at order. A feature of *Current Intelligence* was its division of Foreign news under such heads as Germany, Netherlands, etc.

We have seen that L'Estrange's book was of some public utility during the Plague in conveying the Magistrate's orders, advertising nostrums, and acting as a sober chronicler of the ravages of the disease. After the Fire the *Gazet* continued the useful precedent by turning itself into a bureau of information, and it is pleasing to find that L'Estrange worked hand in hand with the new editor in this particular. The immense havoc of the fire, which demolished half the trading rendezvous of the City, caused merchants to seek new places of business. Newcombe of the *Gazet*, for example, had been burned out, and had removed temporarily to the outskirts of the City, and for a time trade was chaotic. To mitigate the confusion people were invited to go to L'Estrange with their new business addresses, which he was to see inserted in the *Gazet*.

¹ There are preserved at Longleat fourteen volumes of Muddiman's *Letters of News*, 29th April 1667 to 12th October 1689. L'Estrange's expectation in this matter (see note, p. 147) has been only partially justified.

² For some information on the later history of the *Newsletter*, see chap. xi. See also Mr Stanley Weyman's *Sherwoodbury* for a not too fanciful picture of a London *Newsletter* writer. But Mr J. B. Williams' article on *Newsletters* at the Restoration (*Eng. Hist. Rev.*, April 1908) is by far the best account we have of this interesting form of literary activity. It is not difficult to see why the successors of the loyal Muddiman should have been Whiggish. The *Newsletter* naturally tends—as L'Estrange clearly saw—to sedition. See Macaulay's remarks on its use in India. *Hist. of Eng.*, chap. iii. See also Introduction to Lady Newdigate-Newdegate's *Cavalier and Puritan*, p. viii.-ix., xii. — Sir R. Newdigate's *Diary* 'Read a Newsletter from Muddiman, whose news I intend to have for one quarter for which he is to have £1, 5s.'

In one respect, L'Estrange had been an indulgent employer. The perfidious Hickes on more than one occasion when the *Gazet* was underway, had the grace to recall L'Estrange's generosity in a direction, where it was good business to be generous. The Mercury-women received from him 5s. a quarter and a monthly bundle of books, whilst Muddiman in the brief interval when he wrote the new *Gazet* for Williamson gave them 20s. each (surely not quarterly) 'invited them all to Hornsey to dinner and provided them with coaches to take them there and back'¹.

The parsimonious Newcombe who now looks after both the printing and sorting out of news for Charles Perrot the new editor, divides 10s. among them at quarter day. Hence some creditable indignation on Hickes' part.

How many of these women there were we do not know. Dunton seems to have had only one for his *Athenian Mercury*, but then Old Bennett was a specially good one.

In a letter addressed to Williamson dated 12th October, 1666, when the City lay in ruins, there is some information of one woman still going for the paper to Newcombe's Press (now removed 'afar off' from the old Thames Street shop). 'She is a great painstaker. The Fire has burned her goods, and she has no clothes but those on her back'².

The *Gazet* is the State conception of a newspaper, and L'Estrange's idea expressed in his first number logically carried out, no editorial disquisition however loyal, no advertisements except by way of Proclamation or Public use, and in Pepys' words 'no folly in it'. In L'Estrange's attempt, though a failure, we see an effort to revive the editorial which had flourished in the days of *Mercurius Politicus* in a series of excellent essays chiefly on the ideal Free State in which (c. 1650-2) Milton may have had a hand. With his advertisements and disquisition L'Estrange was nearer the line of modern journalism, but he was deficient in the main point of a newspaper—news.

¹ *C.S.P.D.* (1666-7), p. 21.

² *Ibid.*, pp. 193-4.

CHAPTER VI

(1666-70)

STATE OF THE PRINTING HOUSES

THE months between August 1663 and the outbreak of the Dutch War represent a period of phenomenal activity against the libellous Press. There had been two distinct growths of libels—the earlier a recrudescence or continuation of Republican feeling brought to a height by the trials and executions of the regicides, and the later, a protest against the Government's surrender to the persecuting majority in the Commons and in the Church. The first is broadly Republican and analaptist (to use a term which carries all the odium of dissent), the second Presbyterian in character. The strained relations with Holland towards the close of 1664 were responsible for a crop of libels and lampoons fresh from Amsterdam and The Hague. The 'Contagion' and the Fire naturally gave a slight pause to this form of activity, though as we saw these calamities became the seed-bed of fresh annoyance. For the forces of dissent had been more hardy than those of the Church and had seized the deserted pulpits at a time when they could scarcely be forbidden¹.

After the Plague, the Church was faced with the task of once more clearing London of a dissent which had fair claims on the gratitude or admiration of the people. The Fire wrought tremendous havoc among the bookselling and printing fraternity, and whilst ruining many decent men subjected all to the renewed temptations of the secret

¹ Chap. v., 148. Baxter (*Life* iii., 2) notes that 'to this day the freedom of preaching which this occasioned cannot by the daily guards of soldiers nor by the imprisonment of multitudes be restrained'.

Press and highly priced seditious wares¹. The Surveyor's disgrace in the matter of the *Newsbook* paralysed his activities for a while, when wounded vanity would not permit him to pursue the good of a Government which could treat him so meanly².

That Government was discredited in every branch of policy. During the Plague the Court had abandoned London and left only inferior agents like Muddiman³ and L'Estrange to keep down the lawless and seditious elements in the City. When the Dutch sailed up the Thames, and when the City was in flames, there were sinister rumours of the levity of the King and Court, which we know to be false, but which suggested to the satirist the example of Nero in an age when classical parallels were eagerly adopted.

But to none of these circumstances do we look for the revival of the ferment of seditious writing which was in a few years to bring England back to the brink of Civil War. It was to Hubert's silly story of his fireballs and the Papist Confederacy for the firing of London, that we trace the beginning of that frenzy.

The Catholics since the Restoration had lain low, and, despite their claim on the King, their cause had been for the time abandoned by the Court with the failure of that attempt which Baxter opposed in 1661 and Parliament extinguished in 1663. But the dread of Catholic ambitions still slumbered in Protestant minds, and nothing was needed but the awful catastrophe of the Fire and the circulation

¹ For some account of the pro-Dutch Republicans *anno mirabili*, see Introduction to *C.S.P.D.* (1665-6), pp. xxvii.-viii. As to the damage done to the booksellers — Pepys (*Diary*, 2nd November 1666) deploras the ill fortune of 'my poor Kiston who is utterly undone and made £2 or £3,000 worse than nothing from being worth £7 or £8,000'. The estimate of the Stationers' losses given by Pepys as £150,000 is corroborated from several sources. Clarendon sets it as high as £200,000 (*Continuation*, i., 347). Delaune (*Present State of London* (1681), p. 457 (published by G. Larkins, Duntons *Glowworm*, but a glowworm of dissent and sedition) imputing the Fire to the Papists and quoting Bedloe's narrative, 1679, puts it at the same sum. See also Clarke (*Wood, Life and Times*, ii., 85-7) 'that book which was worth 9d. sticht they sold afterwards for 1s.' (under 20th March 1666-7). Stoughton, *op. cit.*, iii., 327.

² At the same time he was harrassed by a Parliamentary enquiry (Committee of Commons, 17th October 1666) as to whether there was 'any illegal patent or any abuse in the Licensing or Stopping the Lawful Printing of Books'. He tells us several years after that he was acquitted. See *Observer*, i., 289, and *Proceedings of Lords Libel's Committee*, 6th April 1677 (*H.M.C., Appendix to 9th Rept.*, Pt. ii., 79 et seq.). 'He offered a vote of a Committee of the House of Commons for Printing, etc., in 1666, whereby he was freed of a charge of this nature that the Printers had against him then'.

³ Acting as Williamson's deputy. *S. P. Dom. Car.*, ii., 132 (28), 129 (44).

of Hubert's confession to revive all the terrors of the massacre of St Bartholomew.

The importance of this circumstance from the dissenting libeller's standpoint was very great. It was recalled that when a Catholic Toleration was proposed at the meeting prior to the Savoy Conference, it was not the Bishops but Baxter who dared oppose what all knew to be the King's wishes. The Bishops had undoubtedly behaved in a persecuting and 'Roman' spirit. Their informers, reminding men of the emissaries of the Inquisition, were everywhere. They had adopted methods of extortion in regard to the Church leases which had fallen in during the Commonwealth, and set themselves up in an estate and pride far beyond the golden time of Laud, and that at a moment of declining trade. The multiplied offices of the Church, regarded by enemies as merely a method of fleecing the people, were set side by side with the austerity and simplicity of the Puritan Government at the Church. Innovations—or what was really the re-introduction of Laudian forms—were regarded by many of the younger generation as savouring of Rome¹.

With the cry of Popery sounding in the people's ear the Dissenters could now more boldly attack Rome through the Church's sides, and under cover of abusing the former strike both at Prince and Church. In the Church itself there had scarcely yet arisen that band of eminent controversialists who later entered the lists against Rome when it became apparent that the Church was in real danger from that quarter; so that the first fruits of popular favour in this connection were reaped by the enemies of the Church, who found abundance to rail at in her trappings and circumstance, with unfortunately a sufficient number of very real cases of persecution in those ministers who, like Bagshawe, Jenkins, and Davies, were destined to die in a prison².

No one saw this more plainly than L'Estrange or observed it with greater resentment. He had been brought up in a district where Catholic families almost predominated. He had borne arms with and been sheltered both at home

¹ Clarendon, *Continuation*, ii., 475. 'From that time (the abortive Toleration Bill, 1663) the King never treated any of them (bishops) with that respect as he had done formerly . . . which easily encouraged others not only to mention their Persons very negligently, but their Function and Religion itself'.

² Stoughton, *Hist. of Religion in England*, iii., 284-5.

and in exile by Catholics. In all his anti-Presbyterian pamphlets there is scarce a word against the Catholics, and at a later date when the question of Toleration was again mooted, he boldly avowed that if any Toleration was going, it ought to be for the men who fought for Charles I., the faithful adherents of an ancient Faith, King-and-Bishops—men all, rather than for the Republican zealots of the Commonwealth. And leaving out of account the people of England, he was right. So far as the Court was concerned, it was at any time far safer in these forty years to court the Catholic rather than the Protestant dissenter.

In the Scottish Rising which presently alarmed the Government, the accusation of one side, that it was contrived by Papists in disguise, was used as an admission by the other that the Presbyterian wherever found might be a veiled Catholic, and that therefore persecution was politic. If the Pope were at the bottom of the Pentland Rising, he was also the first begetter of all Presbyterian intrigues, and at the worst to identify the extreme forms of Presbytery with the extreme ambitions of the Jesuits became the cue for Court and Church writers of the L'Estrange stamp¹. Meanwhile the spotted panther was to appear as the peaceful mediator.

In another direction it was impossible to reply in kind to the indecencies of the libellers. We are now entering on the great age of the lampoon and political satire. Always a peculiarly attractive form of literature, the satire naturally chooses for its victims persons of no obscure rank or intelligence.

The amours of the King had long since become the sport of the taverns², but it was not till Clarendon's fall—which meant privately the triumph of the Countess Castlemaine—that a loose was given to this scandalous kind, in which courtiers and Parliament-men and rhyming lawyers and divines joined with equal zest. From Holland had come the scandalous harbingers of the new mode³, and it may be said that never was a monarch or Government more foully bespattered, and that in many cases by the men who owed everything to him, and could not be suspected of

¹ A course protested against by Dr Glanvil among other Divines. See his excellent *Zealous and Impartial Protestant*, 1682.

² Clarendon, *Continuation*, iii., 676 and 814-16.

³ See the case of Oldenburg and *Hattige*, p. 196.

sedition designs, and who as in the case of Denham and Evelyn would have much resented the charge of disloyalty. But the products of their light fancies infallibly found their way to an evil companionship in the hawkers' bundles with the worst essays in sedition. For this the King himself was largely to blame. In the company of the class of Statesmen who had displaced Clarendon he allowed Buckingham to exercise his biting and indecent wit, and even permitted his favourite to turn his shafts on himself. Absent from the King, Buckingham and his imitators regaled companies with these sharp pleasantries which could not fail to bring the King and his Ministers into disrespect¹. Clarendon had indeed foreseen this, and one of the most sorrowful passages of the *Continuation* deplors the license of wit prevailing at the Court. It may be that Roger North copies his own lament from this passage, for what Clarendon wrote generally—except in the matter of the treatment of the old Cavaliers—found a way into the loyal histories of the next century. But all we know points in the same direction and is only a continuation of the kind of Continental evil described by Mr Airy.

But in a sense it was due to Clarendon that a party of the Commons with their allies in the Upper House had already entered on a powerful opposition to the Court under which libels became almost constitutional. By truckling to the Bishops even in opposition to Charles who seemed lukewarm to the Church, Clarendon had advanced the power of Parliament to a degree which suggested the triumph of a hated principle—that of Ministerial responsibility.

After the Dutch War, ministers coquetted with the idea of an alliance with France, calculating on the popularity of a course which might avenge the Dutch triumph. But in truth the nation was very cold to it, for fear of the Dutch had given way to a fear and dislike of France. This—taken together with the delay in the disbandment of the army, and his reported hostility to the old Cavaliers²—was fatal to

¹ See Ranke, *History of England*, iii., 480.

² Which he shared with Coventry. Pepys—2nd June 1663—almost the date of L'Estrange's *Considerations*, etc.—notes Coventry's answers in Parliament to the charge that 'Cavaliers were not employed'. It is interesting to notice how the two topics were intermingled, some proposing to keep down the Millenaries, etc., with a standing army composed of 'the poorer Cavaliers who are much oppressed and would be glad of Oliver's Law, forbidding arrests on Sundays'. *C.S.P.D.* (1664-5), p. 78.

Clarendon, and in consenting to his disgrace, Charles chose also the path of personal convenience. But if he thought that Clarendon's political head would appease or disband the new Parliamentary opposition, he was much mistaken. This Parliament of 1667 has been compared by Ranke to the Short Parliament, and the parallel is so far good that it certainly marks in the Press a new crop of libels of a far more dangerous type—because voicing a considerable section of Parliamentary and even Court opinion.

The Government which succeeded Clarendon desired to reverse or mitigate his Church policy, and again as in 1661 there were comings and goings between Ministers and prominent Nonconformists like Baxter and Manton, in which the Church leaders were scarcely consulted. Accommodation and indulgences were in the air, and it was hoped that Parliamentary zeal for the persecuting Church had been much modified by the course of events. The release in 1668 of many old Cromwellians and insurgent Dissenters was an earnest of the Government's intention, and was passed over by the Parliament which had framed the persecuting statutes with scarce a murmur. The Act of Uniformity had almost fallen into desuetude¹ and the momentary movement against the Church even took the form of the suggestion in several pamphlets that the Church lands should be used to pay the King's debts. But even this slight movement towards Presbytery created a revival of the Clarendon Church feeling on the one hand, while on the other tumults once more took place round the Palace and people began to talk of the good old days of Oliver².

It was in these circumstances that Charles turned away from his brief tenderness to the Dissenter and embraced the fatal French policy, which required the support of the alarmed Church Party and culminating in the Treaty of Dover aroused even the Divines of the Church to engage in that great duel with Rome which Burnet has described.

¹ *C.S.P.D.* (1667-8), p. 165. 'The King is so offended with Bishops, that he resolves on a Toleration. Conventicles multiply and grow bolder'. See also an MS. note on Proc. of 10th March 1667, 'against unlawful meetings of Papists and Nonconformists' (Bod. B. 14, 15 Line.), 'The Presbyterians having used all their endeavours both in Court and Parlt. for a Toleration from 10th October 1667 till February following and (the King and Court favouring it) . . . had their frequent Conventicles both in the City and all countries'.

² See Slingsby Bethel's *World's Mistake in Oliver Cromwell* (Somer's Tracts, vi., 477) for a proof that this feeling existed. Slingsby is Shimei in *Abn. and Achitophel*.

Thus it was that the ninth session of the Long Parliament was marked by another orgy of anti-sectarian feeling, in which the Bishops descanted on the contempt into which both the Clergy and the Laws had fallen, the case of London being cited where dissent—never purged since the Plague—openly reared its head, whilst over the country generally derision and menace were the daily portion of the Clergy¹.

The tenth session (1670) saw a delusive concord between the King and Parliament and Church on the basis of the severe Conventicle Act which made any meetings of Dissenters whatsoever illegal, and imposed punishments on officials whether magistrates or constables who neglected to put the Act in force. Informers were promised a rich harvest and the Dissenters prepared for a sharp renewal of their troubles².

Had the King kept the terms of this concordat and had he not been already committed to the French Alliance, the gaols might have overflowed with the Church's victims, for twenty years yet, and himself died still popular. But every movement towards France or Rome was a signal for weakening of this harmony and a corresponding relief to Dissenters³. Persecution could only be maintained on a Protestant basis. No sooner were suspicions of the French policy articulate than responsible men on both sides began to ask if this were a time to worry English Protestants when the Catholic enemy was at the gate. And it was this cry which was destined to grow in volume until it mingled with the huzzas of the mob over the mock burning of Popes and Tantivies in Smithfield, and till Parliament itself voted in January 1681 that persecution of Dissenters was treasonous.

¹ *C.S.P.D.* (1667-8), pp. 243 and 546. Candidly confessed and *excused* in Eachard's remarkable *Grounds and Occasions of the Contempt of the Clergy* addressed to R. L (Estrange?) 1670.

² See for example the trials of Penn and Mead in this year for some instructive side lights on the methods of Persecution, *State Trials*, vol. vi. In some respects the new Act (22 Car., ii., c. i.) was more lenient than the old Conventicle Act. The penalties were reduced and imprisonment for attending conventicles was abolished. The third part of the fine given to informers and the powers of entry given to officers were its most oppressive features. Stoughton, *op cit.*, iii., 387-8.

³ As Ranke has compared the situation in 1667 to that in 1644, we may compare that of 1670 to 1680-1. Then as now the Dissenters ran the Popish scare to death getting in shrewd hits at the Church *en passant*, which aroused the Church to an alliance with the Crown and a new persecution. James II.'s decisive step to Rome once more shattered the alliance and saved dissent. The Proclamation commanding Justices to put the Act in force is dated 16th July 1669, *C.S.P.D.* (1668-9), p. 412.

This brief summary may serve to illustrate the new conduct of the Press, of which the most observable feature already noticed is that the volume of libel is swollen by names which in no sense deserve the stigma of fanaticism. Mean and fanatic writers still continue, but the anti-government (and therefore libellous) ranks are reinforced by names which have their honoured place in literature. Another feature is the outburst of Catholic apologies which were the sure and natural effect of the absurd imputation of the firing of London¹. This was the body of 'sedition' which the Stationers loved best to prosecute, but the Surveyor did little here, and therein earned the reputation of being secretly a favourer of their cause, besides that he licensed some of their milder books.

Yet another class appeared which treated of the decay of trade, but in part was really designed to commend the freedom enjoyed by the sects in Holland, or to inveigh against the intolerable pride of France. In any case both classes were libels, in the sense that they were covert attacks on the Government by suggesting that the former days were better than these, though several seem to have had the approval of Charles who was never whole-hearted in the persecution policy.

A dangerous feature of another set was a license in urging the legal aspect of certain laws—as the recent Conventicle Act—as being contrary to Magna Charta and the Constitution². It was not long ere a new type of pamphlet urged (precisely as in 1659 against the Rump) that the present Parliament had no validity, its mandate—to use a modern term—having long since expired.

These new tendencies gathered enormous force. When small coalmen and coffee-house men began to argue the legal niceties of the case, and to lay down the fundamentals of the Constitution, a new stage in the history of the libel is reached.

Lastly the perpetual pamphlet warfare with the Papists

¹ The Firing of London became the favourite scandal to object against any unpopular person. The Duke of York, Danby, and needless to say Roger L'Estrange were a few of the persons who set the fire ablaze in 1666. *C.S.P.D.* (1666-7), p. 214: 'At Moorfields the King, Duke of York, and Nobles came to see Charles I. revenged'.

² See *A Few Sober Queries upon the late Proclamation* (*C.S.P.D.* (1668-9), p. 140), the pamphlet for which L'Estrange made 'diligent inquiries'. *C.S.P.D.* (1660-70), p. 227.

entered on a peculiarly offensive stage by the appearance of all the lying wonders and obscenities in nature to bring the Catholics under a veritable dung-heap of odium.

It is time to ask what the Surveyor was doing all this while. For though no one would expect the Stationers of themselves to cleanse their trade, it was remembered that in 1663-5 when it had been as foul, L'Estrange effectually cleared it. But his activities now depended directly on pay, and he was no longer willing as in 1661-3 to perform his arduous duties as *Honorary* Surveyor of the Presses.

Mr Williams says that while Lord Arlington remained Secretary, L'Estrange's pension or allowance for the *News-book* as arranged by the King was faithfully paid¹. This, however, is not the case. In a letter to the King, dated 29th October 1670, he complains that shortly after the Plague his allowance was stopped, and that as a result the Press which he had perfectly cleansed became very foul. In January and October 1667 he received something, but so irregular were the payments that his services as Surveyor may be said to be in abeyance from the Fire onwards.

That event as we have seen was the signal for a greater freedom than ever. It happened to coincide with the publication of *Paradise Lost* and the *Leviathan*, both of which had some difficulty with the Licenser², the latter being sold at premium prices owing to its being forbidden³. But works of a far meaner and more dangerous complexion were being exposed on the stalls or concealed in the cupboards of Stationers, whilst the Surveyor sulked in his tent⁴. Of these the most important were the various narratives of

¹ *Eng. Hist. Rev.*, April 1908, p. 268.

² Hallam seemed to imply that L'Estrange was responsible for the amendments to *Paradise Lost* (*Cons. Hist.*, p. 611). Needless to say it was the clerical licenser Tomkyns, who licensed the work.

³ Pepys, 3rd September 1668.

⁴ A question of Judge Kelting's at the trial of the 'Confederates' (*State Trials*, vi., 543), elicited some information as to the sale of such pamphlets:—

'Kelting.—Do not booksellers keep accounts? What books they sell and set down the money?

'Witness.—Not for Pamphlets.

'Kelting.—Where was this book kept? publicly as other books, or in other rooms?

'Witness.—In the shop, my Lord.

'Kelting.—Were they publicly to view as other books?

'Witness.—Not so public as other books, but *public enough*, Mr L'Estrange knows.'

the Fire which were the greatest source of annoyance to the Court. On the 25th September 1666 Parliament had appointed a Committee to report on the Fire and its Causes. On the 25th January following, their report was laid before the House. The dubious and non-committal nature of the document is sufficient to show that the members, zealous Protestants though they were, had nothing on which to fix a charge, where popular credulity had already placed it. Parties were divided—except for the saner men—between two views, the Court charging the Firing of London on the Republicans and recalling the evidence taken at the trials of Rathbone and his company in the spring of the year¹. They remarked the coincidence of the date of the Fire with a prophecy in Lilly's almanac of baleful note for the 3rd September—a prophecy on which the seven conspirators executed in the beginning of the year had seized for some diabolical attempt on London. The very date was significant of their hopes.

But the vast bulk of the populace took a different view, and Hubert's idiotic confession merely inflamed a suspicion already entertained that the Catholics had done the deed. Burnet indeed scouted the notion—after, in his usual way, giving as strong a turn to the story as possible in order to leave room for a good whiggish doubt. The Fire and its causes in truth gave occasion to one of those interminable wrangles which occupy the pages of the 'Burnets, Oldmixons, and Cooks' and many a page of L'Estrange's *Observer* forestalled in laboured fashion Pope's witty couplet². The battle then raged round the inscription on

¹ When Popish frenzy was somewhat spent, L'Estrange returned to this old charge in his *Observers* quoting directly from the account of the Rathbone trials in the *Gazet* of April 1666, and with much effect, to show that the Republican conspirators had the burning of London in contemplation. What with the controversy aroused by the Inscription on the Monument, 1680—deeply resented by the Court and by James II. especially, who ordered its deletion in 1685, what with Bedloe's *Narrative of London's Plumes*, and F. Smith's *Trap ad Crucem*, the Fire reasserted itself as a first class topic in 1679-83. In the interval a remarkable series of fires spread over twelve years were catalogued by the Faithful, in 1679 carefully put together by Henry Care the true-Protestant Scribe as Bedloe's *Narrative*, which became the standard work on the subject and was quoted largely. See Delaune's 1681 *Present State of London* already noticed. *Observer*, i., 14, 1681: "'Is there not something in a *Gazet* about that Plot?" "Yes, Yes, the *Gazet* of 26th April 1666 gives ye the History on't". On the other hand Ralph (*Hist.*, i., 136) quoted a letter of Arlington to Sandwich, 23rd August 1666: 'We have had less trouble and alarms from the discontented Party than ever we had in any year'.

² 'London's column pointing to the skies
Like a tall bully lifts its head and lies',

the monument ordered by Sir Patience Ward, Lord Mayor in 1680.

The Scottish Rising this winter attracted little attention¹, and that little was engaged by absurd but widely credited reports that the Pope's emissaries were busy on the covenanting side. The question at issue with the Dutch had lost interest, except for such rumours as that De Wit had a hand in the Firing of London.

It was scarcely to be expected that the Catholics would remain silent under those charges². Roger Palmer, Earl of Castlemaine, the most spirited lay-Catholic of the time, handed to the Press—and himself partly dictated to the Printer—a pamphlet which raised a storm of indignation—the *Catholics' Apology*³. At the same time *Fiat Lux* shifted the blame to Protestant incendiaries. The rush on these pamphlets and the timidity of the booksellers who sold them, is noticed by Pepys⁴, and illustrates the dilemma of those Stationers who would be loyal in difficult circumstances⁵.

The Stationers shortly after the Fire, at the instigation of the secretaries, made a visitation of the London booksellers. They were then seeking a renewal of their Charter⁶, and some information as to how individuals had emerged from the Fire was desirable.

They found on their shelves—even on those of the loyal Royston—a medley of old and new libels and unlicensed books. There were, of course, the several 'Enformations' and 'Narratives' of the Fire, *London's Flames* with lurid anti-papist touches and even insidious hints of the Court's nervous desire to hush matters up in the speedy hanging of Hubert before Parliament could sift the matter.

¹ It is barely mentioned by Pepys, 3rd December 1666: 'The Scots Rebels are routed'. For the complete story we are referred to 'this day's *Gazet*'. There is no hint of the Papists in this, but under the date 14th September 1667, the diarist noting the (unlicensed and afterwards prohibited) account of the Proceedings of the Committee, seems like every one else to lay the catastrophe at the feet of the Papists.

² There was no such hint in the Official Account published in the *Gazet*, 10th September 1665. See *C.S.P.D.* (1666-7), p. 107.

³ *To all the Royalists that suffered for His Majesty . . . the Humble Apology of the English Catholics.*

⁴ *Diary*, 1st December 1666.

⁵ Even the loyal Ric. Royston asks pardon for selling offensive wares, on the ground that he is reduced to extremity by the Fire. *C.S.P.D.* (1666-7), p. 172.

⁶ Exemplified at the request of the Master and Wardens, 10th August 1667. Nichol, *Lil. Ance.*, iii., 578.

The popular lampoon on the King and Lady Castlemaine, *The Poor Whore's Petition*, was discovered in bundles side by side with Hobbes' *Leviathan*—eagerly sought by Pepys¹—and the various parts of the *Advice to a Painter*, the fourth part of which relating to the Dutch insult to London, caused Mr Pepys' heart to ache—so 'home' were its sallies².

But such visitations were of little avail, because the Stationers were more than ever bound up in the sale of these popular commodities. They seized on poor men like Milburn and Osborne (Catholic Printers of the *Apology*, etc.) and the Dissenters, Darby and F. Smith, and sending notice beforehand to their friends, cleared their own shelves temporarily of objectionable matter. At the same time they threatened and bullied any who appealed to another authority—such as L'Estrange.

In the same month the Printers, ever sighing for freedom from the rich Stationers, made a separate visitation of their Presses and found that London boasted one hundred and forty printers, 'and some foreigners'³. This survey became the basis of a Petition to the Secretaries on the familiar lines.

As a result of these visitations and complaints, the Secretaries addressed to the Stationers a number of questions or rather charges which concluded with the remark that 'The Surveyor of the Press says that he cannot discharge his duty so long as the Printers are dependent on the Stationers Company, whose interest it is to encourage unlawful printing'⁴.

The Government set itself energetically to suppress the *London's Flames* type of libel, and on the other hand the

¹ Pepys under 3rd September 1668.

² Pepys, 14th September 1667: 'I met with a *Fourth Advice to the Painter* upon the coming of the Dutch to the river and the end of the War, that made my heart ache to read it, it being too sharp and so true'. See also (*C.S.P.D.* (1666-7), p. 209) one of Muddiman's *Newsletters* dated 20th October 1666: 'The House of Commons has ordered inspection of White and Hobbes' book called *Leviathan*, and examination into abuses in Printing'. This was the Committee from which L'Estrange emerged unscathed.

³ See their *Brief Discourse Concerning Printers and Printing*, showing the wrongs sustained from the Stationers and demanding separate incorporation. *C.S.P.D.* (1663-4), p. 413.

⁴ *C.S.P.D.* (1666-7), p. 430: 'They found *London's Flames* at Leache's, but did not prosecute the Printer. They took away Darby's presses for a quaker's sheet, and Milburn's for the *Catholic Apology*, only because they suspected them of printing the *Company's Copies*'.

*Catholic Apology*¹. There is little doubt they would have liked to leave the Catholic Printers in peace, but the situation curiously resembled the later occasion in 1680-1 when they were forced to prosecute both the defamers of the Government and those who exposed the fictions of Titus Oates. On the one hand an unruly and bigoted populace, on the other a mingling of favour and truth, fear and caution.

It was found that these libels, and especially the former, had been scattered broadcast over the country, and were shortly reinforced by Frank Smith's vastly popular *Trap ad Crucem*, which expatiated in a plausible way on 'all the Papists' bloody designs' and illustrated them with a wealth of circumstantial narrative. The chief agents of their dispersal were Elizabeth Calvert (widow of the unfortunate Simon Dover) and Mrs Brewster. Bristol, their old hunting ground, was again a chief centre of activity². Newcastle, too, demanded some vigilance, because into that town and Hull were imported weekly bundles of libels from Holland—many sent over from Scotland by covenanting zealots to be printed there³—and the business largely managed by an exiled fanatic ex-town clerk of Hull through certain of his old Commonwealth friends there. From Carlisle also Sir Philip Musgrave, everwatchful, warned the secretaries of the dispersal of the *Fires* throughout northern England. From Glasgow before the Scotch outbreak, the Archbishop had sent news of the libellous activity of the dispossessed ministers. In short the old conspiracy which had prepared the ground for the Northern attempt of 1663, was continued by new and old agents, sufficient glimpses of whom are scattered through the State papers, to persuade us that the year 1666-7—the year of the Surveyor's comparative inactivity—was a period of high hopes for the Republicans and sectaries.

¹ The order to suppress this book and punish the author is dated 28th November 1666 in *C.S.P.D.* (1666-7), p. 296.

² *C.S.P.D.* (1667-8), p. 282, 6th to 16th March 1668 and 1667, p. 290. 13th July 1667, Mrs Calvert, 'who formerly made a trade of sending seditious books to that City', has dispersed 50 books on the Fire to Susannah Moore, bookseller, and Michael Thomas at rate of 8s. 6d. per 25 retailed at 8d. each. 'All of them sold'. Sir John Knight is busy looking after the seditious bookseller, Moon, and troubling the Conventicles. *C.S.P.D.* (1666-7), pp. 214-15.

³ *C.S.P.D.* (1666-7), p. 415, an extract of a Scotch letter, endorsed by L'Estrange, *Whiggism and Treason*. Sir Philip Musgrave, Sir J. Knight of Bristol and L'Estrange are the most vigilant watchdogs.

The execution of Rathbone and his six comrades in April with the prophetic references to the 3rd September noticed in the *Gazette* of 3rd April, the numerous almanacs and prognostics of change¹, the holding up of Cromwell's rule to the admiration of the people, and the constant expatiation on the misery and poverty of the country and decay of trade, all these things warned Ministers that the spectre of 1641 was stalking abroad².

Besides the admirable persistence of the two women—among others—Calvert and Brewster, and the doings at Hull and Newcastle, official complaint was made of the dispersal of seditious pamphlets by the Dutch among the English seamen they fell in with in the Channel and North Sea³. These pamphlets were either of the ultra-pious or ultra-indecent type directed against Charles and his debaucheries. As a result of the abortive Scotch Rising in 1666, numerous Scots crossed the Border and descended into the north and west of England as packmen, their packs stuffed with seditious literature and themselves voluble of treason—a chronic nuisance till the Rye House Plot brought matters to a head.

Of the more or less organised groups of sedition and their agents, we have notice here and there of the beginnings of the remarkable career of Fergusson the Plotter, preacher in Moorfields and teacher of grammar at Islington. Not yet the almost accredited secretary of sedition and the libels department, he appears first as a victim of the Uniformity Act, an assistant to Dr Owen (who had the courage to set up a libellous tombstone to Bagshawe), and 'in a coffee-house one of the glibbest tongues in England upon all subjects'. So early as January 1662-3 he had been betrayed by a brother Scot to Secretary Bennet, and sent for a time to the Gatehouse. In 1668 he started his long list of libels, written with that 'Scotch force' marked by L'Estrange, and betrayed by occasional Scoticism.

¹ Sir Sidney Lee (*Dict. of Nat. Biog.*, art. L'Estrange) notes the rumour in Pepys (*Diary*, iii., 56) and Ward (*Diary*, p. 94), that Roger 'expunged from the almanacs submitted to him in 1665 all prophecies of the Fire of London of 1666', which is probably correct and yet 'no great matter'.

² Despite Arlington's optimistic letter to Sandwich, *see* p. 166, note, and Ralph's refutation (*Hist. of Eng.*, i., 136-7 and notes).

³ Chap. iv. The Lord Chancellor's Speech in Parliament, 7th January 1674: 'Perhaps it is more than an honourable war doth allow to go about to raise sedition through the country of an enemy'. *Parl. Hist.*, iv., 616.

Of the earlier date there are hints of a private joint stock for the maintenance of dispossessed clergy, in which Calamy, Jenkins, and Fergusson were participators.

Another Scot domiciled in England, whose career L'Estrange made it his business to watch from time to time, was James Forbes, assistant or co-worker in sedition with Ralph Wallis, the seditious rhymster of Gloucester. Forbes had come to England somewhere about 1653 about two years before Fergusson quitted his native Inverurie, and at the Restoration began a career of sedition and suspicion only second to that of the 'Plotter'. In the active prosecution which had followed L'Estrange's appointment to the Surveyorship, Wallis and Forbes had been seized (September 1664), the latter at Clapham, the emporium of their sedition and writings. They were then described by the Surveyor as 'the agents of the most dangerous factions about Town', the dispersers of *Sufferers' Catechisms* and Wallis' own works¹. Their correspondence in the West was great, and they employed various meaner persons, carriers, etc., to help them out.

Yet another Scot, almost as formidable in this work, by name James Nesbit, was to set up as a teacher in Clapham and the manager of the disaffected Scots in England, till the Rye House affair fluttered the dovescots. L'Estrange does not seem to have 'smoked' Nesbit till the discovery of the Plot set him comparing his old notes.

In 1668 a peculiarly offensive libel of Wallis' called *Room for the Cobbler*, was scattered through city and country. L'Estrange described it as 'the damnedest thing that has come out yet and entreated secrecy till by a cautious delay the Government messengers might seize the whole nest of conspirators. 'If you cannot make sure of destroying the offenders, it will be better to let them alone till an opportunity offers of making them sure. I hope the libel of the Cobblers will be closely followed up'². There

¹ *C.S.P.D.* (1664-5), p. 24. Exam. of Wallis and Forbes, 1st October 1664, Forbes denied having read the works L'Estrange found in his study. On 8th September 1664, Roger wrote Bennett that he had asked Col. Frowde to seize three of their correspondents in Gloucestershire. We shall meet with Forbes again. But the poor rhymster died in gaol 1669 or 1670. For an autobiographical account of Forbes and his connection with the Barton St. Chapel, Gloucester, of which he was first pastor, see *Some Particulars concerning the Life of John Bidelle*, by Walter Lloyd, Gloucester, 1899. See also Scott's note on Forbes, the *Phaëton of Abs. and Achitophel* (Dryden (1808), ix., 368; chap. xii., 34).

² *C.S.P.D.* (1667-8), p. 357, 24th April 1668.

is, perhaps, too much inclination to regard such an affair as the Rye Plot as a suddenly conceived idea and to neglect the patient if perverted genius of these men working through twenty years. In any case of unrest during these years, the attention of L'Estrange would be directed to the haunts in Islington, Clapham, and Moorfields, and as in the week of the Northern Conspiracy, October 1663, he knew where to lay his finger when the moment arrived of 'making them sure', so on the morrow of the Rye discovery we shall find him hot on the scent of these men.

Just at the moment when the King was inclining towards the Catholics, and thereby preparing the fatal breach with his Parliament, 'the insolency of the Papists' was in everybody's mouth. Castlemaine's *Catholic Apology*, as we saw, created much excitement and some embarrassment to the Government by printing in red letters the names of Catholics who had suffered for the King. Its method of publication is instructive. 'The Bell and Three Cranes Tavern' in the Savoy was the scene of its transference from 'two gentlemen' into the hands of John Brereton, who disposed of it to the hawkers. The Printer was Milburne, whose poverty no less than his faith induced him to do the work. One Printer (Osborne), used afterwards as evidence, had already refused to print it, but introduced Castlemaine to Milburne, at whose house it was printed off, 'and at his Lordship's entreaty he helped him to compare the written paper with one half printed'¹.

Osborne was not a Catholic.

The Council's order to suppress the book is dated 28th November 1666. The examination of the offending printers (Castlemaine was shielded for obvious reasons) took place in the month of the Scotch Rising. After a few months' custody Milburne was released.

The action of the Stationers in this matter was characteristic. They seized Milburne's Press — L'Estrange alleged — not because of the character of the book, but because he was said to print their copies². It was on this

¹ *C.S.P.D.* (1666-7), p. 361, 20th December 1666. The proof-reading was always a capital point against a Printer. See Twynne's Case in *State Trials*, vi., 532. The document referred to is endorsed 'L'Estrange's report of his enquiry after the Roman Catholics Apology'. See Hart, *Index*, pp. 200-2.

² *C.S.P.D.* (1666-7), p. 430.

occasion that Warden Mearne of the Stationers threatened Milburne because he appealed to L'Estrange — a significant commentary on the charge of being 'popishly-affected', which was afterwards to discharge on Roger's head.

It was pointed out that almost immediately after the Fire, L'Estrange's efforts on behalf of the Press cease, and in 1667 there is scarcely a notice of his name, though in October of that year he received a final instalment of £25 to his allowance. Sickness added to his troubles, and he would scarcely be human if he did not regard with a grain of satisfaction the chaos to which Arlington's efforts to do without him had reduced the Press¹. Others were employed, the messengers Wickham and Andrew Crooke were pressed into the Surveyor's work, but their venality and lack of education rendered them indiscreet bullies rather than good officials. They were likewise subject to the Stationers' bribes, while rival authorities and warrants derived from the hostile secretaries, often allowed the prey to slip from their fingers². During the first rage of *Whore's Petitions*, *Leviathans*, Wallis' libels, and *London's Flames* Roger lay at home and did nothing³. But to such a height did the trade of sedition grow, and so alarmed the Secretaries, with the King at last seriously and personally annoyed, that in April 1668 overtures were again made to him. It seemed a moment to dictate terms.

The immediate cause of this requisition was the intelligence which reached the Secretary's office of the large importation of Dutch libels at Yarmouth, Hull, and the Port of London by the means alluded to above.

There was besides the sure knowledge of several new secret presses in the City, one at Blue Anchor Alley in Little Britain—a noted resort of the more violent sectaries, with the 'grand metropolitan of sedition', Vavasour Powell,

¹ Arlington's letter to Sandwich 23rd August 1666, quoted by Ralph, in which he speaks of the seditious elements being quiet, must be taken with some reservation. See p. 170.

² See Wickham's Petition for pardon (*C.S.P.D.* (1668-9) p. 37, October 1668). He allowed Mearne and Royston, for a consideration, to take possession of Mrs Calvert's second Press and books in Southwark—his own seizure.

³ That is as Surveyor. He almost certainly wrote a work not hitherto ascribed to him, issuing from Harry Brome's press, *Dolus ad Virtus* (Bod.-B. 14, 15 line) with MS. note 'This book is post-dated, for it came out in November 1667'. Its motto, *Vu cobis Hypocritae*, in answer to Corbett's *Discourse of the Religion of England*, 1667. Printer, motto, subject (Roger had in *Relapsed Apostate* already attacked Corbet), and style, all claim this work for L'Estrange.

not long out of prison¹. Others were known to be set up in Southwark. It was afterwards discovered that the Darbys were the ruling spirits at the Blue Anchor Alley Press, and that the Calverts and the Larkins (the wives in all three cases are important) were printing south of the river those pestiferous libels, the *Painter* series, *Room for the Cobbler*, etc.

Worst of all the loyal Capt. John Seymour was Larkins' protector, if not employer. Wallis and Forbes were known to be very busy flitting in disguise between Hackney and Clapham.

It was in these circumstances—and probably at the personal instance of the King, who smarted from the Dutch lampoons and *The Poor Whore's Petition*—that L'Estrange was sent for, and a pardonable mingling of reproach and triumph is shown in his reply, dated 22nd April 1668².

L'Estrange to Arlington.

'MY LORD,—I have lost at least 40 oz. of blood and stand at present confined to my chamber for a fortnight upon hazard of my life by the order of Dr Willis.

'If this distemper may plead my excuse in thus observing the command of my attendant, it is well. If not, I'll wait upon your Lordship in spite of all difficulties.

'The bearer of this letter is a gentleman whom I employ as my agent, and will take your pleasure in anything that concerns your service. In the business of the present, I have acted as far as my money, credit, and authority would carry me, and your Lordship may consider that the last trouble I gave you was upon a warrant for those very persons whom you have now in hold, and if I had not brought them in for their necks, long ere this, I would have contented to have forfeited my own.

'The Law is so short that unless the very act of Printing the very point in question be expressly proved, the Printer will come off. I do persuade myself the Government will find it a hard matter to reduce the Press to the order I had brought it. Had I been still allowed according to the first intent of his Majesty's bounty, I would have kept it as clear as I had then made it. Not, my Lord, that I ever made an interest

¹ *C.S.P.D.* (1667-8), pp. 294, 319.

² *S. P. Dom. Car.*, ii., 238, No. 179.

of his Majesty's service or ever designed it so, but I must confess I cannot but reflect upon my hard fortune with somewhat of trouble to see myself after 30 years' assiduous and unchangeable service and fidelity to the Crown, exposed at length either to want bread or live the object of a common charity.

'This I presume to speak nakedly as it is, and without any manner of reproach or insolence. My Lord, I do not deserve to be blamed certainly for using the modest liberty of an honest man, and a gentleman, and I assure my letter of a generous interpretation, especially when your Lordship shall duly consider to what decree I am pinched both in point of Honour and Convenience.

'I took the freedom not long since to solicit Mr Williamson for his part now due of £25. But he was pleased to remit the matter to your Lordship. . . . The last payment I had upon your Lordship's account was upon the 15th January 1666 and Mr Williamson's last payment was on 15th October 1667.

'I must now submit myself upon the whole to your Lordship's goodness, and if there be anything wherein so wretched a thing as I am may be of aid to your Lordship, I will most undoubtedly manifest myself to be, my Lord, Your Honour's most Obedient and Faithful Servant,

'ROGER L'ESTRANGE'.

The persons alluded to as being 'now in hold' were probably Darby, Calvert, and Robert White, taken in August 1667 for a *A Trumpet Blown in Sion*, and held over for trial to the Spring Sessions 1668¹.

It is certain that Arlington made the *Amende honorable*, for by 24th April we find Roger in full cry after the libellers again, and the day after, the owner of a secret Press, one Poole, was committed to the Gatehouse. But the discovery of the Larkins Press in Southwark was the work of Roger Norton of the Stationers' Company, and the suspicion is that L'Estrange would not be very friendly to the scandal of such a discovery attaching to his friend Capt. Seymour².

¹ *C.S.P.D.* (1666-7), p. 395.

² There is a printed letter by that extraordinary woman and printer, Eleanor James, to Larkins, 1684, reproaching him for attacking L'Estrange, who had been so kind to him. *A Defence of the Church of England*, etc., by Eleanor James, 1687;

In his letter of the 24th, to¹ Arlington he has preserved for us the names of half a dozen prominent libels with some excellent comment. He was still confined to his chamber and books were brought to him from the Secretary's office, much as a modern reviewer receives his load from a critical journal. He marked those passages which a jury would listen to, and from his chamber directed the operations of the messengers. On the whole, the moderate tenor of his remarks on these audacious libels, shows a growing respect for juries and a warning against the illegal constraint which had been possible in 1662-4. Need one say that the changed temper of Parliament was partly responsible?

'I will prepare such an information as may serve for a guide to the King's Council to proceed.

'1. *Felo de se* is undoubtedly Wallis'; but a jury will not make much of it.

'2. *The Queries* will punish most, because they reflect on the present Parliament.

'3. *Omnia Comesta a Belo* is a vile libel of the same quality as *Felo de se*.

'4. I can fasten nothing on *The Poor Whore's Petition* that a jury will take notice of.

'5. *Liberty of Conscience* is rather to be answered than punished except as an unlicensed pamphlet.

'6. *The Saint's Freedom* has direct treason in it and a little patience would have brought it home, but the alarm is now so hot that all are upon their guard. I send another libel.

'7. *Room for the Cobbler* [noticed above].

'It is not easy to govern the License of the Press and those who serve therein should be rewarded'.

Meanwhile the Conventicle and secret Printing House at Blue Anchor Alley was being watched. In March a Government spy had informed of Quaker and Fifth Monarchy Meetings in the neighbourhood. Nye and Vavasour Powell were reported to have their headquarters

¹ *S. P. Dom. Cur.*, ii., 238 (202).

there. A Printer's wife had been followed from the Conventicle, and one of five houses was suspected¹, but 'by reason of so many back-doors, bye-holes and passages, and the sectarians so swarming thereabouts, I have been afraid of being discovered scouting, but I saw one of Darby's men at the meeting'².

Darby undoubtedly was the evil genius at Blue Anchor Alley, and was ably assisted by the widow Brewster and her son, who promised to be as good at the trade as ever his father was. Witnesses confessed that Mrs Darby sold them copies of *The Poor Whore's Petition* and one said that Darby printed it. There is little doubt that from his Press issued hosts of little stinging libels in verse, dispersed about the precincts of Parliament³.

Thus L'Estrange's return to duty was coincident with the arrest of the remaining members of that old confederacy which he had destroyed in 1663-4. One difference is very striking, however. Then the 'Confederates' dealt in heavy pious stuff. Now it is chiefly satirical and not a little indecent, and as such, much more difficult to found a conviction on. A way had been discovered of giving the maximum of irritation to the Government and Court with the minimum of danger to the libeller. Probably as a result of these futilities, the Government in the summer of the year (1668) determined on a reversal of policy and to do what L'Estrange had so long advised—turn their attention to the Stationers Company. They now demanded from that Society a return of all the Printing-Houses in the City and Westminster. A week later (24th July), a complete survey was made, showing the number of presses, journeymen, and apprentices at each House⁴. The Government was resolved on making the first earnest attempt since the days of the Star Chamber to investigate the conditions of the Trade. The survey exhibited the names of thirty-five, besides the King's Printers.

¹ See a curious letter (*C.S.P.D.* (1667-8), p. 294) from a spy to Sir R. Carr, 'As to the Private Press I dare pawn my life, it is in one of five houses in Blue Anchor Alley. I am sure Oliver took more pains when he searched 16 houses in one night in hunting after my life'.

² *S. P. Dom. Car.*, ii., 237 (140).

³ As *Come hither, Topham*, etc., the verses of 12 lines to Judges and Juries, *C.S.P.D.* (1666-7), p. 71, etc. Darby was arrested, but released 7th May 1668 on £100 Bond, because as L'Estrange said, no Jury would convict for such work. *C.S.P.D.* (1667-8), p. 378.

⁴ *S. P. Dom. Car.*, ii., 243 (126).

*A List of the several Printing-Houses taken the 24th
July 1668*¹.

King's Printing Office in English, Hebrew, Greek and Latin	Roger Norton
King's Printing Office in the Oriental Tongues	Thos. Roycroft
The Printing House of	Colonel John Streater ²

The other Masters are :—

Mr Evan Tyton	Mr John Redmayne	Mr John Brudenell
Mr Robt. White.	Mr Thos. Johnson	Mr John Hayes
*Mr Jas. Flesher	Mr Nat Crouch	Mr Childe
Mr Rich. Hodgkinson	*Mr Thos. Purslow	*Mr Warren
Mr Thos. Ratcliffe	Mr Peter Lilliecrap	*Mr Leybourne
Mr John Macock	Mr Thos. Leach	Mr Wood
*Mr John Field	Mr Henry Lloyd	*Mr Vaughan
*Mr Thos. Wocomb	Mr Thos. Milburne	*Mr Owesby
*Mr Andrew Coe	Mr Jas. Cotterel	
*Mr Wm. Godbid	Mr Henry Bridges	

*Printers disabled by
the Fire are :—*

Widows of Printers are :—

- *Mrs Sarah Griffith
- *Mrs Cotes (Coots)
- *Mrs Symons (widow of Nevil Symons, Milton's Printer)
- Mrs Ann Maxwell

Printers set up since the Act and contrary to it :—

- Mr Walter Rawlins
- Mr John Winter
- Mr John Darby
- Mr Edmund Okes

¹ Compare this list with the Returns given in Arber's *Transcript of the Stationers' Registers*, etc.

TRANSCRIPT	DATE	M. PRINTERS	PRESSES
III., 699	May 1583	23	53
V., lii.	July 1586	25	53
III., 699	May 1615	19	33
V., liv.	1660	59	...
(The Press Pressed and Over-pressed). (Har. Misc.)	1660	60	...
(The Case of the Free Workmen Printers).	1665 (?)	70	150 (apprentices)
(Bigmore and Wyman, ii., 126)	July 1668	35	64

Of the names above, only four occur in the 1637 Star Chamber Decree List of Twenty, clause xv. (see *English Reprints, Arcopagica*, by Arber, 1868), viz :—Thos. Cotes, Miles Flesher, Thos. Purslow, and Rich. Hodgkinson.

² A most favoured person. For his loyalty specially—and solely—exempted from any penalties of the Press Act 1662. In preparing their reasons against renewing the Act in 1695 the Commons declared they saw no reason for treating Col. John Streater differently from others. *Lord's Journals*, xv., 545b.

We have placed an asterisk at the names of printers (in the first list) against whom, so far as is known, the Government had no occasion for harshness, or the Surveyor for censure.

A few days later (29th July) these lists were supplemented by a thorough survey of each printing-house¹, from the endorsement evidently not handed into the Secretary's office till 19th November.

The Act permitted 20 master printers and allowed 2 presses to each man. The number of men with only 1 press was more than compensated for by those officials, etc., who were privileged to have more than 2. Streater was allowed 5, the King's House (Barker's)² boasted 6, and the printer for the City (James Flesher) had 5; Roycroft had 4, while Newcombe and Macock³ (printers respectively of the *News-book* and to the House of Lords) had 3 each. So that on the basis of 23 printers, an allowance of 50 presses might be regarded as ample. By this survey there appear 64.

If we compare this list with that of the 10 printers who petitioned for Incorporation previous to the Act of 1662,

Rich. Hodgkinson
John Grismand
Robt. Ibbotson⁴
Wm. Godbid
Jas. Cotterel

Thos. Mabb
Dan Maxwell
Thos. Roycroft
John Streater
John Hayes

we see that 3 of the factious Commonwealth printers, Ibbotson, Mabb, and Grismand, had dropped out. Maxwell had left his business to his widow. Ibbotson's removal may have been due to L'Estrange's personal attack⁵. Evan, son of Francis Tyton, perhaps for the same cause, no longer printed as his father did, for the House of Lords.

In the Printers' Petition of 23rd October 1666 — describing their desperate condition as the result of the Fire '140 printers and some foreigners' was the total given. Now it is 155. But this includes some half dozen masters who employed no labour. So that a bare increase of 10 men

¹ *S. P. Dom. Car.*, ii., 243 (181).

² His 1660 Petition for restitution was successful.

³ Macock, printer of *Current Intelligence*, which expired at the Great Fire was a rival of Newcombe, who printed the *Gazet*. The former had enjoyed the patronage of Secretary Morrice, the latter that of Arlington through Williamson.

⁴ His widow, Ann Ibbotson, along with Ann Maxwell and two others enters into recognisance of £200 not to print seditious matter—15th August 1667. *S. P. Dom. Car.*, ii., Entry Book 28, p. 1.

⁵ Introduction to *Relapsed Apostate*.

is to be credited to these three years, while in the matter of apprentices the King's House which employed 18 men, had no apprentices and the total number for the entire Trade was 23. In other words, the destitution consequent on the Fire had been so great that all the labour must be divided amongst the men¹.

This 1662 list of 10 masters is of course very incomplete. If we can rely on the 1669 survey—and the inclusion of Darby seems to warrant this—it appears that besides Grismand, Mabb, and Ibbotson², the following had dropped out or been extruded during the Surveyor's first blush of activity—Astwood (Republican), Page (arrested for indecency with Johnson), Hardy, Lee³, Sparrow, and Mason⁴, besides the Confederates, Keach, Tywne, and Dover. So that Roger's purge had been greater than one had at first thought⁵.

Of those printers impoverished by the Fire, we find that Owesby and Vaughan were taken in at the King's Press, Henry Lloyd found work under Flesher whose five presses must have been busier than ever with City edicts concerned with the rebuilding of the City, etc⁶. Thos. Childe was accommodated at Ratcliffe's large and Whiggish House, where he soon graduated in the same art in company with Nat Thompson, then also a good Whig. Nat presently set up for himself as a partner of Ratcliffe's (at least they worked into each other's hands). One of his workmen was Robert Stephens, the famous messenger of the Press, between whom and L'Estrange a petty warfare was afterwards to be waged. What with Childe and Stephens, therefore, the Ratcliffe-Thompson House (or Houses) was an exceedingly good vantage-ground to survey the struggles of the Press.

A frequent complaint was that interlopers, that is men not free of the Company, were employed. Nat Thompson at first appears as one of these. Even in Roycroft's Oriental House three out of ten men were such.

The month in which the above survey took place was otherwise an anxious one for the Stationers. Richard

¹ For example, the King's House (Barker's) employed 18 men but no apprentices.

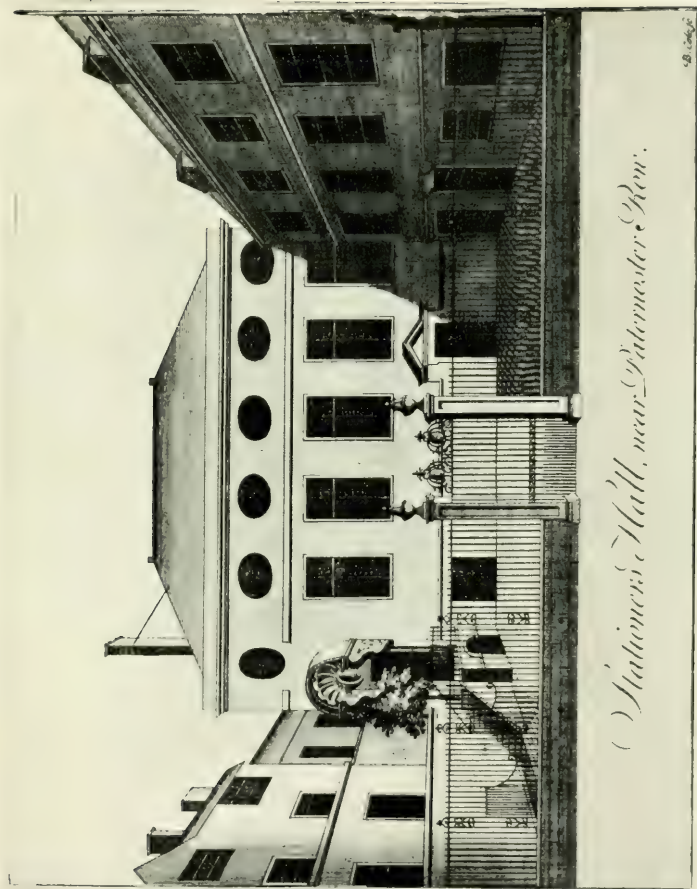
² Note p. 111.

³ Besides these, Harding, Roal, and Chewne. *C.S.P.D.* (1663-4), p. 153.

⁴ See *S. P. Dom. Cur.*, ii. 99 (162-5), for a fairly complete list of three batches of printers, summoned before the Secretaries on suspicion.

⁵ As is otherwise shown by the drop from 59 masters in 1660 to 35 in 1668.

⁶ Such as the City's Petition for the entry of free timber for a year, etc.



OLD STATIONERS' HALL.

Atkyns, law-monopolist in pre-Commonwealth days, and author of the *Original and Growth of Printing*, which so slavishly followed L'Estrange's *Considerations and Proposals* in 1664, was on the strength of James I.'s patent to his grandfather contesting in the Court of Chancery the Company's right to print common-law Books. This protracted law-suit was afterwards alleged by the Company to be the cause (at their own request) of the Quo Warranto issued out against them in 1670. Although the Judges now decided against Atkyns¹ (as Roger North hints) to secure their own right of printing their cases, the House of Lords some years after gave Atkyns back his own.

The point of interest here is that when the Government came into final grips with the Stationers, the latter were embarrassed by these contested monopolies. Two years later began the even more protracted struggle with Oxford University for monopoly in Bible stock.

Although Roger Norton's lawsuit was likewise unfortunate², he had the happiness in May of this year to be recommended by the King to the Court of Stationers along with two others, Mearne and Roycroft.

Norton was King's printer in Hebrew and classics, Mearne his bookbinder, and Roycroft as, has been stated, Oriental printer—all thought to be loyal, and their intrusion into the Stationers' Court was the first step of the new policy. With these men a loyal garrison in that Court, and L'Estrange at their elbow, any reform might be hoped for. As this unique proceeding is really an anticipation of the great scheme of Charles, in default of obedient Parliaments, to seize on Corporations and instal the loyal, we may quote the letter of recommendation or command to the Company.

Rex to the Stationers.

'27th May 1668³.

'We request you to admit as members of your Court, Roger Norton, our Printer in Hebrew, Greek, and Latin,

¹ Viner, *Abridgment*, xvii., 208 : *Modern Reports*, 1256.

² On the surrender of his old contested monopoly, he received in 1667 a grant for forty-one years of the sole printing of the Bible in Latin, and all grammars in Greek and Latin, and became King's Printer in Greek, Latin, and Hebrew. *C.S.P.D.* (1667), p. 496.

³ *Ibid.* (1667-8), p. 409.

Samuel Mearne, our bookbinder, and Thos. Roycroft our Printer in Oriental Tongues, they having contributed much to suppress licentious practices in the Mystery of Printing; we expect that your Company henceforth will be accountable for the *scandalous abuses* of the Press'.

The survey of July was the first fruits of these intrusions, and we already noted the fact that Norton specially signalised himself by the seizure of Larkins' secret Press in Southwark.

Further, as the result of the survey, three of the four printers singled out as 'printers set up since the Act and contrary to it' were in August to be proceeded against¹. These were Darby, Rawlins, and Winter.

One of the wardens of this year was old Ralph Smith, printer of numerous Commonwealth wares, and remembered by L'Estrange as the printer of Crofton's wild stuff. The Stationers as reorganised—with something of the *Good Old Cause* left, however—proceeded in a half-hearted and hypocritical way to set their house in order. With some leniency to the three prescribed printers noted above, they suggested *buying* their presses, 'lest they should set them up in secret places, as has been found by experience, and hazard everything to gain a livelihood, being generally mean people'². As to the three prescribed printers, Rawlins had (in 1666) bought the business in which Ann Ibbotson succeeded her levelling husband. Darby we know as the husband of 'martyred' Simon Dover's widow. He and his wife with Brewster's widow we have already noted as the bravest of the 'brave assertors'.

John Winter was made free of the Company and the City in the April before the Fire³, but had made himself

¹ *S. P. Dom. Car.*, ii., 332 (96). In their cases the usual thing happened, a brief imprisonment, an interview with L'Estrange and a bond not to print unlicensed stuff. *Ibid.*, 244 (77). Thos. Davies informs Williamson that Darby will be forced to quit the Trade. He asks that the Stationers be empowered to buy up the presses of the extruded 'as by the Act there will be so many materials for Printing to be disposed of that there will be no customers'.

² *C.S.P.D.*, 3rd August 1668 (1663-4), p. 406. See the Document in *C.S.P.D.* marked (?) 1663; but obviously referring to this year. It proposes that the four typefounders should bring proofs of all letters cast to the Wardens and asking after the treatment of the four supernumeraries advises that the Lord Mayor should execute the Act of Common Council against hawkers. Endorsed with notes of a general Search Warrant for Roger Norton and four others.

³ *S. P. Dom. Car.*, ii., 332 (96). An account of the several printers summoned before the Court of Assistants of the Company of Stationers, 15th January 1672-3, containing their particular claims of right and propriety in their several Printing Houses. The claims and history of ten printers are stated in this important paper. See p. 193.

obnoxious by printing *Catholic Apologies*, *Mass Books*, etc. He was now protected, by the Government evidently, in the form of a *non-process* issued by the Attorney-General. Darby was certainly extruded, but we may guess how eager the Stationers were to purge themselves when we find all three openly printing in 1673.

If we turn to ascertain the degree of success of this new policy in the Press, we shall find after the first flush of zeal, nothing but disappointment. It is true that in October 1668, Larkins' press was seized in Southwark with a large quantity of seditious books, but a dispute between the Stationers and the King's messenger Wickham as to who should carry off the booty, and a similar wrangle over the seizure of some Catholic books at Johnson's shop, assured the secretaries that despite the introduction of Mearne and Roycroft, the Company was incurably selfish. At the same time the old rivalries between the secretaries were revived in disputes over the validity of their warrants. The Stationers had Morrice's warrant, Arlington entrusted his with the Surveyor and the messengers—authorities that the Stationers openly flaunted as in the case of Milburne, and that of Taylor yet to come.

It appeared that the Company was more bent on securing its monopolies against all comers—Atkyns, the Universities, and the latest transgressor Sam Speed¹—than in carrying out the King's wishes.

The Surveyor was again reduced to such impotence that another appeal seems to have been made by him to the King in August 1669, for in that month, seven years after L'Estrange's appointment, the King roundly stated that 'his appointment has proved ineffectual through the opposition of several members of your Company'², and warns them that they 'are henceforth to take due cognisance of his commission, and employ their utmost power and credit over their members, no further to obstruct him, but to assist him in all searches and discoveries when needful'. Within three days of notice given by him, they are to call a Court of Assistants 'to advise with him and agree on such ways and means for its better government as he shall propose,

¹ An instructive case. See *C.S.P.D.* (1668-9), p. 280, 16th April 1669.

² *Ibid.*, p. 446, 11th August 1669. The undated document subjoined to this (*S.P. Dom. Car.*, ii., 264 (25a)) is the rough draft of this letter by the Law Officers.

being instructed for that purpose, and he is required to return to the Council or a Secretary of State an account of proceedings therein'. This letter is accompanied by a note in Williamson's handwriting to the effect that the Act for Regulating the Press has defects which may be supplied by orders given to the Stationers Company, who oppose the proceedings of the Surveyor of the Press; 'if they will be obstinate, they should be reported to the King and Council'.

In other words, the hopeful experiment associated with the names of Mearne and Norton has already failed, and from this letter we date the intrusion of L'Estrange as representing the King in the Councils of the Court of Stationers¹. We are therefore prepared for those stormy scenes in that Court which characterise the next eight years.

It is well known that, however indolent in business matters, there were certain things which could rouse Charles to most effective interest. The foul libels which had besmirched him and the Court, seem to have awakened this interest in the present case.

In the spring of the following year (1670) the Surveyor, inspired by this fresh authority, submitted various plans for reform to take the form of bye-laws to be passed by the Stationers' Court².

- I. The old bond of £300 to be strictly and generally enforced.
- II. Loss of interest in the Company's stock and loss of the right to print any of the Company's book, is the forfeiture for offence.
- III. All 'foreigners' to be subject to the rules of the Company. At the same time Roger, always mindful of himself, added a personal request for a grant of printing certain bills and papers.

In April³ the Law officers had reported favourably on these proposals, and to supplement them as well as to make sure of his new grant, L'Estrange wrote to Arlington on 19th May the letter referred to above. His demands, we

¹ Mr C. R. Rivington in his beautiful monograph on the Stationers Company seems to date the Surveyor's intrusion from 1663. This does not seem to be correct, however. See *A Short Account of the Worshipful Company of Stationers*, 1403-1903, by C. R. Rivington, 1903.

² *C.S.P.D.*, 19th May 1670, pp. 227-8. The proposals (approved by the Law Officers) are annexed to a reproachful letter to Arlington by L'Estrange.

³ *Ibid.*, 21st April 1670, p. 175. Report of Palmer and Finch. The problem was how legally to force 'foreigners' to take the bond. This report said it might be done.

note, have somewhat swollen, and taken together with his letter to the King in October of the same year may be taken to represent the high water mark of his pretensions, as it was the moment of lowest credit at Court for the Stationers. Since his supersession in the year of the Plague, he had seen the Government rely first on the messengers for clearing the Press, then the Stationers remodelled and loyalised in 1668, had been appealed to, whilst the Surveyor was called back in halting fashion. Lastly all having failed, and the King personally alarmed, the secretaries turned again to the only man who had even momentarily succeeded in this difficult work.

We should note the new elements of the case from L'Estrange's point of view as shown in these letters of this year.

First, despite the insincere attempt made in August 1668 to oust the interlopers—which resolved itself merely into a Cabal against the poorest and meanest printers, and even that unsuccessful—the trades both of Printer and Bookseller were again overrun by deserters from other trades and people like the haberdashers were adding to their business by a cheap line in Church books. These persons, not being members of the Stationers Company, were not subject to its rules and penalties.

Secondly, the libellous printers and booksellers were now studied in the niceties of the case and the failures of the Press Act. They now bawled out Magna Charta when disturbed by a General Search Warrant. The attitude of Parliament made it impossible to adopt the summary treatment of 1661-4, for much of the offence of these wares was cloaked under the no-popery masque which was then becoming vastly popular in the Nation and Parliament.

Again there were the Stationers and their hostility to reckon with. By their various warrants—Royston's from Morrice, Roycroft's and Norton's as King's Printers, etc.—they circumvented all that the Surveyor attempted, and that secrecy which was necessary for a seizure was made impossible while these men sent round their emissaries to warn the trade of an approaching search and even—under their warrant—wrested the messengers' seizures and carried them to Stationers Hall, when they might be secretly returned to the owner or sold by themselves.

The Bishops and their nominees too were to blame. Men like Parker issued licenses which were contrary to the patent-rights of others, and under cover of meeting the demand for Bibles and Psalters created by the Fire, set up a number of irregular booksellers and encouraged the haberdashers to sell the same books.

In a word, the multiplicity of authority was—as the Surveyor long since pointed out—injurious to any real hold on the Press.

L'Estrange was now emboldened to ask Arlington to move the King to rescind these various authorities and the Court of Aldermen to subject all irregular persons in the trade to the rules of the Company¹.

It is significant that there is no suggestion here of reducing the Trade to the limits set by the Statute. That hopeless attempt is, however, to be made again in 1672.

But the first condition of a purified Press is to get the haberdashers prohibited from dealing in books. They cut prices and maintain a number of sweated Printers of pirated copies. At Westminster Hall itself are numerous booksellers who, though under no government, spread abroad the most dangerous wares. No rule of the Press is possible whilst these men elude the law, and the lopping of the Bishop's licensing privileges is the first step towards a remedy.

Thereafter it is only a matter of bye-laws for the Stationers, and in the event of any refractoriness in that quarter, of renewing their Charter on such terms as to secure the Crown's interest.

In any case the Quo Warranto is calculated to bring them to their senses.

Meanwhile it is interesting to note the Surveyor's personal demands.

'The constant charge of a deputy and a coach, without which it would be the work rather of a porter than a gentleman, which amounts to £200 a year, and the contingent charges are more or less as occasion requires. I am allowed £200 a year by Lord Arlington for his interest in the *Newsbook*, and I am assured by him, that your Majesty will grant me all such privilege of sole printing as Counsel by their report have already stated you may lawfully do; if a moderate salary is added, sufficient to secure a competent

¹ Proposed letter to the Court of Alderman. *S. P. Dom. Car.*, ii., 275, No. 155, 19th May 1670.

entertainment to the officer in the execution of his duty, I doubt not but to be able to give a good account of the Press'¹.

The deputy referred to was Richard Jeffries of St Giles-in-the-Field.

What had happened in the interim to make the King personally instruct L'Estrange in his duty was a new and serious growth of libels, the first bad harvest of the severe Conventicle Act of 1670. That Act, as is well known, was the result of a compact with the Church Party in the Commons, by which in consideration of their neutrality towards the King's French policy, the Bishops were allowed to take up the thread of persecution where the fall of Clarendon had dropped it². This evil compact was broken by gradual suspicions of the true nature of the French alliance and a corresponding abatement of the bad feeling towards Holland. But in 1670 the Concordat was in full force and the appearance of a crop of anti-church libels was excessively disconcerting, especially as some of the men who printed or wrote them had experienced Charles' personal favour.

It was natural in Frank Smith to bring out a sturdy defence of the Baptists on whom the persecution was specially severe, but it was scant gratitude for Col. John Streater to write and print *The Character of a True and False Shepherd*, which rivalled the old *Omnia Comesta a Belo* in its anti-episcopal zest. Far more serious were *The Englishman* and *Sober and Serious Queries on the late Conventicle Act* 'proving it to be against the Laws of God, of Nature, and of Magna Charta'³.

It is sad to reflect that Larkins and his wife, like Lilliecrap and Brudenell before them, and unlike 'the brave assertors', had submitted, and in exchange for liberty provided the Surveyor with the information which enabled him to seize some of these libels at Frank Smith's house and at Streater's.

There was at the same time a villainous book seized

¹ *S. P. Dom. Car.*, ii., 275, No. 155.

² We have abundant evidence of the disfavour with which the new persecution was viewed. At Bristol there is a factious majority on the Bench (*C.S.P.D.* (1670) p. 229). At Whitby, the constable refuses to act (*Ibid.*, p. 231).

³ *S. P. Dom. Car.*, ii., 280 (138), 29th November 1670, Roger L'Estrange to Williamson, — 'The Queries I can prove of the printer of them, who likewise committed the MS. to Mr Prosser'. See p. 357. It 'frequently quotes the Bible, Magna Charta, Judge Coke, etc.' It also refers to Empson and Dudley 'who exceeded Magna Charta and died for it'. See Sir Philip Musgrave to Williamson *C.S.P.D.* (1670), 22nd June, 1670, p. 290.

by L'Estrange at Smith's press with the rambling title, *That Neither Temporalities nor Tithes is due to the Bishops*, etc.¹, and inciting the Lords Temporal to take away their property and use it 'for the defence and benefit of the Kingdom and the relief of the poor, (a practice) proved by the laws and practice of 20 Kings of England, Judah, and France, and also by 120 authors besides, dedicated to the Kings most excellent Majesty'. There is evidence that the King in his then attitude to the Church, might not have been averse from this ingenious proposal, which may account for the fact that the dauntless Frank, though harassed between L'Estrange and Lambeth House, and 'kept undischarged for 20 weeks², sometimes in custody, and sometimes at liberty, to his real charge and damage at least £605', was at last suffered to remain in peace.

To illustrate the new spirit prevalent amongst the Printers we cannot do better than cite the attitude of Streater and Smith to their persecutors.

Streater actually wrote *The True and False Shepherd* and when L'Estrange's deputy with a constable attempted to arrest one of his compositors who was engaged on the work³, 'he refused to go with him, and the whole company of above 20 persons, amongst whom James Grover and Jim Carr⁴ were most audacious, fell into an uproar and began crying out that *they were freeborn subjects and not to be meddled with by such a warrant*⁵. The constable thereupon charged some of them, in his Majesty's name, to assist him, which they refused and thrusting themselves between the constable and his prisoner, the latter made his escape'.

Smith, we must remember, was both preacher and printer. 'Upon the severe Act against conventicles in 1671, I had £140 warrants against me for being taken at several times at religious protestant meetings, upon which I lost my shop and trade above six months'⁶.

¹ Hart, *Index Expurgatorius Anglicanus*, p. 194; the tract is printed in Cobbett's *Parl. Hist.*, iv., app. x.

² See his *Narrative* already referred to, chap. iv., 28-9.

³ *C.S.P.D.* (1670), p. 322. Streater himself was exempt from the Act.

⁴ The Carr whom Evelyn saw pilloried 21st December 1667: 'I saw one Carr pilloried at Charing Cross for a libel'.

⁵ Hallam, *Cons. Hist.*, p. 613: 'It seems that these warrants were known to be against the Law. [*State Trials*, vii., 949, 956]. Possibly they might have been justified under the words of the Licensing Act, while that was in force and having been then introduced, were not laid aside'. The lawyers who argued the case in the Court of Common Pleas, 1764, certainly took this view.

⁶ *Narrative* referred to above.

It is important to remark the growth of this spirit of turbulent defiance on the part of quite obscure persons. The Country Party were to enlist many able lawyers on their side in the approaching struggle, and the legal aspect of the case was the object of closest scrutiny. Coke, Brereton, The Mirror of Justice, were all to be ransacked for the elements of the Constitution, while L'Estrange was to reply with broadsides from their own Husband and Scobel, *Collections and Ordinances*, to prove the villany of these doctrines when forced to a conclusion. For the present, after a brief return to power and fitful payment of the allowance which was to provide him with a coach and equipage that might rival that of Mr Pepys, Roger is again forced with the fall of Arlington to retire from the fighting line. We shall find, however, that the grant of blank papers recently obtained was a most lucrative source to him, and a corresponding irritation to others.

CHAPTER VII

(1672-7)

L'ESTRANGE AND THE STATIONERS—LORDS' LIBELS COMMITTEE

To understand fully the quarrel which was now imminent between the heads of the Stationers and the party of the Surveyor, we must go back to the proposed Quo Warranto of 1670¹. This order was issued by the Council on the 19th August of that year and set the Stationers in a notable alarm². They convened two meetings within a fortnight of each other early in September, and passed several resolutions embodying the Surveyor's proposals for their better regulation³. At the same time they pleaded that they had not sufficient power over their own members, which gave the Court an opportunity of offering to renew their Charter in such terms as would secure their loyalty to the Crown and give them the desired power over their members. L'Estrange's proposals—which had been approved by the Law Officers of the Crown in April of this year—we may remember were three in number. (1) The £300 Bond mentioned in the Press Act was to be strictly enforced⁴. (2) Any printer dealing in unlicensed matter

¹ Thrice in this reign Quo Warrantos were proposed. When L'Estrange became Surveyor, he 'held up' the Stationers till they came to terms with him (C. R. Rivington, *Records of Coy. of Stationers* (1883), p. 4; Arber, v., xl.; and Williams, *Eng. Hist. Rev.* (1908), p. 263). The last Quo Warranto issued 1684 (see p. 326) was reversed 1690 (Arber, *Stationers' Registers*, v., xli.).

² *H.M.C.*, pt. ii., 9th Rept., p. 69, and 7th Rept. p. 512a. They had the effrontery at the Libels Committee, March 1677, to plead that the Quo Warranto was issued at their own request to deal with the deadlock in connection with the Law Monopoly.

³ 5th and 19th. See P. 1670, *C.S.P.D.* (1670), p. 451.

⁴ The Bond seems only to have been enforced on the grossly seditious, and at the instance of the Government. There is a copy of such a Bond taken by John Brudenell and two others not to print seditious literature. *S. P. Dom. Cav.*, ii., 80, No. 63. Finch and Palmer reported in 1670, 'that such a Bond may be required and taken' (both by Members and Foreigners), *Ibid.*, ii., 274, No. 198.

is to lose his interest in the Society's common stock. (3) All supernumerary booksellers or printers, are either to become subject to the rules of the Stationers or to discontinue.

The last was to be effected through the Court of Aldermen, and orders given from the King to the Bishops.

On 20th September, as a result of the Stationers' promises of a better behaviour, the King ordered the withdrawal of the Quo Warranto¹. The conditions were that they should act sincerely in their resolutions, and that they should consult with the Surveyor who henceforth was to be the King's representative in their Courts, with the right to have a meeting of the Court called within three days of his notice given. The King as we saw, admitted² L'Estrange at the same time to an interview, and earnestly urged on him the carrying out of these instructions, which proves that Charles had been genuinely alarmed by the proportions which seditious printing had attained. Meanwhile, the resolutions of the 5th and 19th September had, with various additions to be passed into bye-laws, and L'Estrange was to see the work done.

Pay being always a matter of vital importance to the Surveyor, it is satisfactory to note that in January following he was in receipt of certain arrears, and that his grant of the sole printing of all blank papers, legal and other, was confirmed³. We shall find that this grant became a considerable cause of annoyance to others, as it was remunerative to the grantee.

In August of the same year (1671)⁴, the King reminded the Stationers of what they seemed to have forgotten, that he was willing to renew their charter in the directions already indicated 'with such other Clauses as Counsel shall advise for the security of the Government against seditious and scandalous pamphlets and libels, the said Clauses to be communicated to the Surveyor of the Press'.

¹ *H.M.C.*, 9th Rept., pt. ii., p. 76*b*. Order of Council of 20th March 1670, for Quo Warranto rescinded on L'Estrange undertaking to do the work by bye-laws.

² *vi.*, 174.

³ *C.S.P.D.* (1671), p. 35, 21st January 1671, L'Estrange to Richards. His Lordship's particular account for 6 months to the 15th inst. was £50. Requests him to remind Arlington of his promise to notify the Lords Commissioners of his new grant, otherwise he will lose his toll on the papers printed in connection with the new supplies.

⁴ *Ibid.*, p. 421.

The proposal of a new Charter, it should be noted, had first been made by the Stationers in order to evade the suggestion or condition annexed to the withdrawal of the Quo Warranto, viz.—that every member of the Stationers should enter into recognisances 'not to print, bind or publish any unlicensed book or pamphlet'¹.

The King reminded them of his offer to renew the Charter on the 8th August 1671², and on the 26th the Company with seeming gratitude accepted the gracious offer. Thereafter nothing was done and the Surveyor relapsed into the lessening activity which, what with the Frank Smith trouble and the dispute with Mearne over the *Rehearsal Transposed*³, became more and more futile till Arlington's transference to the post of Lord Chamberlain in 1674 withdrew even the legal authority on which the Surveyor acted, and left him exposed to the coldness of one who had done him a considerable injury—Sir Joseph Williamson, then Principal Secretary of State.

¹ *C.S.P.D.* (1670), pp. 436-7, 14th September, and p. 451, 24th September. The King is to renew their patent gratis, but so as to advance the power of the Surveyor.

² *Ibid.* (1671), p. 421. On the 24th August the King ordered the Lord Mayor to assist the Stationers in suppressing interlopers, *Ibid.*, p. 447. See an Order of the Court of Aldermen referring to this injunction and ordering all apprentices of out-dealers to take their freedom at the expiry of their times, 'and all lawful means used to translate foreigners being dealers in books to the Stationers Coy.'. Ford, Mayor 1671, 1st October (*Notes and Queries*, 8th Series, vi., 363).

³ The licensing of Marvell's *Rehearsal Transposed* illustrates more of the mind of the King than that of any other book. L'Estrange was examined by Coventry, 23rd January 1673, in connection with this witty libel, and then stated that his attention had not been drawn to it till the first impression was selling. Harry Brome told him Ponder was the printer and at his shop the Surveyor and Mearne seized the second impression. But Ponder was protected by the same Whiggish Earl—Anglesea—who protected Bagshawe. Anglesea told L'Estrange that the King had expressed his displeasure at the seizure, for 'Parker had done him wrong, and this man (Marvell) had done him right'. He directed Roger to lend the work his *Imprimatur* at which the scrupulous Surveyor demurred that 'he did not like to tamper with other men's copies, without the privy and allowance of the author', but at length agreed. The Warden and the Surveyor's names were both affixed to the book, but the Stationer's clerk (Geo. Tokefield) showed more obstinacy. The Surveyor's excisions were not, however, respected in the second impression, which gave an excuse for the withdrawal of his *Imprimatur*. Anglesea's resentment of the arbitrary methods of the Stationers is as instructive as Parker's efforts to stop the sale of Marvell's attacks. See *Rehearsal Transposed* (Marvell's *Prose Works* (1776), ii., 243 and 269); and *Coventry MSS.*, *H.M.C.*, App. to 4th Rept., p. 234. It should be noted that Mearne charged L'Estrange before the Lords' Libels Committee, 6th April 1677, with saying that he had the King's order for licensing the work 'and pretended other orders from His Majesty when he had none'. *H.M.C.*, pt. ii., 9th Rept., 78b.



OLD ST. PAUL'S.
A HAUNT OF THE ROOKSETTERS

It is not quite clear whether the Stationers kept their promise even formally to consult with L'Estrange for the next year or two. But all talk of new bye-laws and compulsory bonds and recognisances died down, and it was now during the disintegration of the Cabal Ministry that the Heads of the Society became corrupted to a degree hitherto unknown. We have seen that this (1674-5) was a period of considerable attack on the Government and the Church, and yet, far from anything being done against any but poor fanatics like Frank Smith and Darby, the very men whom the King had honoured by recommendation to the Court of Stationers in 1668, were known to be knee-deep in the same seditious traffic, and by every means counteracted and anticipated the action of the Surveyor and King's Messengers.

It is rather sad to have to relate that the unimpeachable L'Estrange connived—for money—at the licensing and leaving unmolested of numerous libels, of which the pages of Professor Arber's *Term Catalogues* give eloquent proof. But printer Clavell's shoulders could always bear the responsibility of such offences in *Mercurius Librarius*¹. It is unfair perhaps to say that nothing was done after August 1671, for in the following year a muster-roll of the Printers was taken at the command of Arlington with the object of extruding those who had faulty claims to their presses. But the fact that two out of three of the long threatened supernumeraries of the last enquiry in 1668 are employed, appears to leave very little hope of any action now. Yet on other grounds this enquiry in the Indulgence year is of considerable interest.

There is an entry in the Stationer's Records signed by the clerk George Tokesfield, of date 15th January 1672-3, requiring that 'Mr Warden Roper, Mr Warden Mearne, and Major Roycroft do attend the Right Honourable the Earl of Arlington with the account of several Printers on Friday morning next'².

Unfortunately this account is that of only several Printers and those naturally the suspected ones³. In all

¹ Mearne's charge, 6th April 1677, *ibid.* See the Examination of Clavell before the Lords' Committee, 6th April 1677, *ibid.*, p. 79a). Mearne accused L'Estrange of 'licensing 200 unlicensed books in the Catalogue' (*Mer. Lib.*). Clavell gave Roger 40s. and later 30s. a quarter for his license to the Catalogue (*Ibid.*).

² *S. P. Dom. Cur.*, ii., 332, (96).

³ *Ibid.*, ii., 332, 96i.

we have their claims stated to the privilege of Printing, by ten out of some thirty Master Printers, including Rawlins, Winter, and Darby, three out of the four printers noted in 1668 as supernumeraries and 'to be proceeded against at the next assizes'. We learn from this list that in at least one case, that of Wm. Downing, Printer to the University of Oxford, the Archbishop of Canterbury still retained the power to set up a Master Printer, but the right or license to print could be transferred not only from father to son by deed of gift or bargain, but that for example one of the Printers who was 'disabled by the Fire', Thos. Childe, and whom we note among those who had found work at another Printing House, was able to 'depute' his license, or right to print, to Thos. Bennet, who set up in his stead, while Childe (still destined to do good Whiggish work) worked for Ratcliffe, Nat Thompson's partner¹.

Further, it is clear that journeymen could still set up for themselves without consulting anybody². We find Robert Battersby and Henry Lloyd who were journeymen in 1668 entering into an uneasy partnership in 1670.

Two years later³ the Stationers presented another list of the Printing Houses to the Secretaries, by which it appeared that the numbers had been reduced to 23 (not including the King's Printers), with the usual list of those who had set up since the Act came into force. Darby and Rawlins are there. It does not take much penetration to

¹ The career of the Popish Printer John Winter is interesting. He served a term of ten years with Wm. Bladen sometime King's Printer for Ireland, was made free of the Company and City, 6th April 1666. In the year 1667 he married the widow of Ralph Wood, an actual master printer in 1662. 'The said John Winter was some years since indicted upon the form of an Act made in 1662, which said indictment he was acquitted of by Non-Process issued by the King's Attorney-General, Sir Geoffrey Palmer'. Of Darby we learn that he 'served an apprenticeship with Mr Peter Cole, was made free of this Company and City in the year 1660, married Dover's widow in 1665, and hath kept a Printing House ever since'.

² Note the *Current*, April 1676, that no one is to set up a Printing House without notice given to the Master, Wardens, etc., of Stationers, *N. P. Dom. Cur.*, ii., *Entry Book* 45, No. 23.

³ *C.S.P.D.* (1675-6), p. 43, 29th March 1675. If we compare this survey with that of July 1668 (chap. vi., 173) we find that Flesher and Purslow have left their businesses to their widows, Wocombe and Coe have disappeared, and Lilliecrap been bought out by the Stationers (he was an old offender). Only one new master printer is introduced, and of the old seditious group (marked 'set up contrary to the Act'), viz. :—Rawlins, Darby, Winter, Okes, the two latter are deceased, while the first two are still, with eight others, marked out for destruction. We shall find them busy shortly with the remarkable series of Constitutional Libels. Rawlins we find in Dunton's gallery (*Life and Errors* (1818), p. 251).

perceive that these periodical visitations of the Press were perfunctory, and that the maintenance of the legal number 23 was the merest pretence. There are many books of the period which bear printers' names, neither included in the legal 23, nor the chargeable supernumeraries. At any rate the supernumeraries beyond some harassment were never rooted out.

With the fall of Arlington, his successor determined with memories of the rankling sore in connection with the *Newsbook*, to do without L'Estrange's services as much as possible¹. Accordingly, though in February 1674-5 the latter was reappointed as a Secretary's Licenser²—the Surveyorship having no *legal* authority was wholly dependent on a deputation of the Secretary's general search warrant—Williamson had the effrontery a year later, in concert with Secretary Coventry, to warn the Stationers that 'we are informed that daily many things come out of the Press pretended to be licensed by some deriving their authority from us', and that 'they have deputed no one to serve in this capacity'³. This may mean that he had withdrawn L'Estrange's Licensership since February 1674-5—but on the other hand, books still come out bearing Roger's license⁴. On 6th February 1675—three days after the above warning—Williamson appointed Henry Oldenburg, 'one of the Deputies of my License'⁵. Oldenburg's experience as a Licenser was very short-lived, for we find him on 29th April of the same year resigning what he regards—and what all Licensers of general literature did regard—as an intolerable burden. His testimony on this point is interesting as confirming the views of all competent writers, that even admitting the general necessity of a licensing system, it would be difficult at any time to find men so devoted to work as L'Estrange, and that a Licenser, if conscientious, was a real check on the amount of literature produced, and if not, worse than useless.

¹ And paying him as little. *S. P. Dom. Car.*, ii., 432, No. 2, is a letter from Roger L'Estrange to Jenkins, 17th September 1683, explaining that there is 'an arriere due to me from His Majesty upon an allowance in lieu of the *Newsbook* (being £250 a year) which was paid me by His Majesty's order till my Lord Arlington was removed (29th March 1674), over and above £100 a year more allowed me out of the profits of the *Gazet*'. From then till 1683 he has only had £910.

² *C.S.P.D.* (1673-5), p. 571.

³ *Ibid.* (1675-6), p. 540, 3rd February 1676.

⁴ For example on 13th April 1676—Oldenburg resigned on the 29th—he licensed *Proposals for the Advancement of Trade and Mercurius Librarius* bears his *Imprimatur* during the whole period.

⁵ *S. P. Dom. Car.*, ii., Case F., No. 73.

Oldenburg was one of the wits of the Royal Society, a foreigner by extraction, who laboured under the double suspicion of being a republican and a foreign spy¹, suspicions that no amount of loyal protest could purge him off, and which seem to have clung to all the Restoration Licensers, including L'Estrange and Bohun. That Williamson used him so freely to translate despatches and to help in the *Newsbook* is perhaps sufficient to belie such a suspicion, but like Bohun he found that to have anything to do with this unpopular office, was sufficient offence. After complaining that he is the victim of those *quos fictis causis opprimere innocentes juvat*, and who have insinuated doubts of his loyalty to the Government in the Secretary's breast, despite his so frequent commendation of the English Ministry both to natives and foreigners (as is well attested by 'our friend Mr Boyle') as to earn him the name of 'a partial Englishman', he continues: 'But besides this consideration of freeing you (Williamson) from anxious thought upon this account, I have further to allege, that though perhaps I should not have resigned so soon as now I do, yet certainly the tenderness of the employment and the vast expense of time it requires above what at first I imagined would ere long have constrained me to have surrendered, who must declare myself to be of the genius and temper that preferring the ease of his mind and the compliance with his other studies before so nice and laborious a task, wherein it is difficult to please universally . . . am satisfied in my own thoughts with my performance in reference to this office, which clearness of conscience is to me *mille testium loco*'.

As to his experience as Licensor, he has rejected more than he has allowed. Those books he did license, Williamson had already approved. On the whole he is persuaded that he 'has taken more pains and care in the perusal of considerable of such books, as came before him—with the exception of that unhappy romance'²—than perhaps any-

¹ 'He was always remembered by Wren, Hooke, Boyle, and the other Fellows of the Royal Society as a spy'. *Notes and Queries*, Second Series, vi., 369. Masson, *Life of Milton*, iv., 625-6. He was also remembered as a very capable official of the Society.

² *S. P. Dom. Cur.*, ii., 381 (33). The Romance was *Hattige* or *Les Amours du Roy Tamerlaine*, printed in Holland, author, one Bremont. 'Last Saturday Bentley went to Oldenburg to have the book again, which he refused, but told him it would not be licensed'. *C.S.P.D.* (1676-7), p. 80. *Hattige* was a Dutch view of Charles II.'s amours. L'Estrange is directed by Williamson to search for it, 22nd April 1676.

one who has sustained that province these many years. Finally he begs Williamson to give out that the speedy termination of his Licensership is due to lack of time, not lack of efficiency or loyalty.

The Surveyorship was, it has been said, an office dependent entirely on the Secretary's warrant. That general warrant it is true became itself greatly questioned on legal grounds even in the hands of the Secretary, and Williamson in refusing to renew it to the Surveyor after the fall of Arlington may have been actuated by some constitutional qualms. But his granting it immediately to the Stationers and to certain great Patentees naturally aroused the resentment of the Surveyor who had expressly demanded the calling in of all such warrants save his own. In the interval, and until the Lords' Libels Committee, he was from time to time—addressed still as Surveyor—directed by secretarial special warrant to search for certain books, but against the Stationers' general warrant this occasional authority was useless. It was then, during L'Estrange's impotence, that the loyal Mearne and Roycroft exercised the greatest tyranny over the Press—but not in the King's interest.

It may be remembered that Marvell's ire was aroused by the severe Licensing Bill sent down by the Lords in November 1675, because it provided drastic clauses for 'breaking all houses whatsoever on suspicion of any such pamphlet', whereby, adds Marvell, 'Master L'Estrange's authority was much amplified, to search any other House with the same liberty as he had Sir Thos. Doleman's'¹.

This Bill was the result of feeling aroused in the great session 1675 by such things as the *Letter from a Person of Quality*, already noticed². At the Committee formed to consider this and other libels—the forerunner of the great

¹ *Lords' Journals*, xiii., 20; *Commons' Journals*, ix., 378; *C.S.P.D.* (1675-6), p. 405, 17th November (?) 1675. Roger's father-in-law, Sir Thos. Doleman was a great Whig. See his work on the *Succession* 1679-80, ordered by the Primate 'to be damasked', 8th April 1682 (*Arber, Registers*, v., lv.). As Clerk to the Council, he did his best to excuse Oates' halting testimony at the Wakeman Trial (*State Trials*, vii., 656-7). The date of L'Estrange's marriage to his daughter, Ann Doleman, must be guessed from the fact that it was a case of 'an old fellow marrying a young lassie' (*Answer to a Whole Litter of Libels*, (1680), pp. 2, 6) and that his first son was born Good Friday 1678. Marvell's jest takes its point from the Whiggish slander that Roger's wooing was somewhat violent.

² Hart (*Index*, p. 206) says it was the work of Locke, but what share he had in it, it is impossible to discover.

Libels Committee, which sat immediately after the long Prorogation—L'Estrange's general warrant from Arlington was produced, but Roger informed their Lordships that 'he had no such power since Lord Arlington went out of office'. He was thereupon invited by the Committee to lay before them his suggestions for the new and severe Bill contemplated. These suggestions¹ are: (1) The legal term 'libel' should extend to written matter 'because it is notorious that not one in 40 libels ever comes to Press, though by the help of MS., they are well nigh as public'. (2) For the suppression of printed libels a general warrant *from the King in Council*, such as he formerly had would suffice him. (3) When the Stationers were admitted they might be obliged to swear in Hall to have nothing to do with libels, and (4) The harbouring of libels without notice given to a Justice of the Peace to be taken as *particeps criminis*. In other words he reiterated his old Proposals of 1662. The nuisance referred to in his first proposal was coming to a head in these months. In January following (1676)², the Coffeehouse-men were to get a second notice to close, and the *Gazet* is voluble on the subject. Muddiman's reign in the Department of the *Newsletter* was over, and it soon appeared that in new hands it was a better carrier of sedition than loyalty³.

That passage in the *Life of the Lord Keeper North* dealing with the Press, although in the latter part dealing with the situation in 1680-1, being expressly tacked on to the coffee-house trouble of 1676, we may take to refer to this session.

'As to the business of lies and libels', says North⁴, 'which in those days were an intolerable nuisance to the Court, especially finding that the community of gentle and simple strangely ran in with them; it was moved that there should be more messengers of the Press and spies, who

¹ *H.M.C.*, 9th Rept., pt. ii., 66a and b.

² Hallam (*Cons. Hist.*, ch. xiii., 427) praises Charles II.'s moderation in the matter of Proclamations. The first peremptory order to close is dated 29th December 1675. See the *Gazet* under date. On 8th January 1676 a second Proclamation permitted them to continue under recognisances of £500 till 25th June 1676. See *Lives of the Norths* (1890), i., 197.

³ His monopoly was gone, but his letters continued till the Revolution amid many competitors. See p. 328.

⁴ *Lives of the Norths*, i., 198-9. *Eastmen*, pp. 133-141. M. Beljame (*Le Public et les Hommes de lettres en Angleterre* (1660-1744). Paris, 1881), in his excellent chapter on Coffee-houses and Newspapers (pp. 172-4) perhaps infers too much from the fact that Popys makes very infrequent reference to the *Newsbook*.



OLD LONDON BRIDGE.
A VIEW OF THE BOOKSELLING TRADITION.

should discover secret Printing-Houses (which were then against the Law) and take up hawkers, that sold libels and all other persons that dispersed them, and inflict severe punishment on all that were found guilty'. It seems that North took up a milder attitude, and, like Halifax, suggested the silencing of libels by able writers rather than force, otherwise severity would fall 'not on the authors and abettors, but some poor wretches that sought to get a penny by selling them', and thus excite rather than abate the nuisance.

Of the kind of loyal pamphlet advocated by Halifax and North, there was no lack, but Bohun has recorded that such exercises had no vogue compared with the others. 'You shall sometimes find a seditious libel to have passed through so many hands that it is at last scarce legible for dust and sweat, whilst the loyal answer stands in a gentleman's study as clean and as neat as it came from the Press'¹.

The period of Williamson's rule is marked by the frequency of Proclamations, by which he hoped to do what the Surveyor with diminished authority could not do².

But the contemplation of severities is a different thing from the practice. If Oldenburg was accurate in saying he rejected more books than he licensed, we can imagine a large amount of secret printing and communication of well-thumbed manuscripts. One of the last things the Lords did on the eve of the Long Prorogation was to remind the Stationers of their duty. In April 1676 the usual *Caveat* came out against setting up presses without informing the Company³.

Meanwhile it was well known that London was seething with libels and that the City itself was so strongly moved by the Constitutional question as to remind men of the last occasion in 1659-60 of similar agitation. On 24th June, their debates at Commonhall, after a hot speech from Tribune 'Mr Jenks', were summarily closed down, and

¹ Epistle Dedicated to 3rd pt. of *An Address to the Loyal Freeholders*. 1682.

² *Gazet*. Besides the Coffee-house Proclamations, 2nd May 1671—Against Spreading False News, 7th January 1675-6—For Discovery of Libellers, 10th and 13th January 1675-6—Rewards (£20 for printer and £50 for author) for discoveries of *Naked Truth*, etc., the Proclamation of 7th January 1675-6 offered £20 to informers which was claimed in connection with a wretched libel at Bristol, by Alderman Fowler—an excellent example of how the informer's trade invaded Society. *C.S.P. D.* (1676-7), pp. 50 and 182. By 31st October 1679 the price had risen to £40.

³ *S. P. Dom. Carr.*, ii., *Entry Book* 15 (23).

Jenks committed. His printed speech, however, ran like wildfire through the nation, warning the people that their liberties were at stake. The Papists were at the bottom of their miseries, 'wicked, hellish instruments, hired to fire our houses'. Credit was destroyed as the result of the closing of the Exchequer 1671-2, 'no merchant knowing where to put his money'. Trade is impoverished through French tariffs, so that 'we spend in France ten times our English revenue, and we must become the King of France, his slaves, as the Egyptians more excusably yielded themselves to Pharaoh for bread'. Religion is going, and the presumptive heir to the Crown is a papist¹.

This eruption of what may be regarded as alarming sedition determined Williamson to call L'Estrange back into the fighting line, and that despite a very bitter attack by some unknown person on the Surveyor, 3rd June, which happily illustrates the latter's sources of profit. Besides the old charge of extortion and severity, this document charges L'Estrange with the more serious and at first sight impossible crime of favouring the fanatics.

*Complaint against Roger L'Estrange, addressed to
Williamson, 3rd June 1676².*

(After referring to L'Estrange's lucrative grant of 1671 of the sole right in all blank papers printed on one side only, a grant which touched all legal and formal documents and from which it seems the King's Customs were not free³, the writer proceeds:—)

'At the same time it was offered by one that well understood the illegality of L'Estrange's pretensions, to be done for 8s. 6d. the ream who did perform the same for some years after. Upon which they came to an agreement with him for a pension, induced so to do by his pretended

¹ *Jenks' Speech*, followed by *Jenks, his Case*, for which L'Estrange was ordered to search, 9th July. *C.S.P.D.* (1676-7), p. 215. Jenks was examined in connection with the Rye House affair and seems to have been altogether a rather loud, indiscreet, but sincere person. It is important to note that the Whig leaders, Buckingham especially, were accused of applauding Jenks' action. *C.S.P.D.* (1676-7), p. 352.

² *N. P. Dom. Cur.*, ii., 381 (252).

³ See letter of L'Estrange, 21st January, 1671 (quoted p. 3, note) in which the new Patentee suggests in anticipation of such a charge of exaction as the above, that 'it were well if the price were limited by the reams, so as not to exceed the ordinary rate of the King's Printers'.

interest at Court and his aforesaid illegal Patent so disadvantageous to the Crown and oppressive to the subject. To these may be added his numerous annual exactions which those among many others are to be considered.

(1) From the Company of Stationers by Contract out of the English Stock ¹	£50 0 0
(2) From the Play-Houses besides presents	50 0 0
(3) Quacks Bills and Books	500 0 0
(4) Ballads, for licensing these when the poor poet hath but 18d. for his pains ²	
(5) For winking at the numerous spawn of non-conformity books	
(6) The last (but not the least) his seizing arbitrarily without conviction of fact the goods of such as act contrarily to his pretended power. }	Vastly considerable
(7) For licensing all books to be reprinted	1s. per sheet
And for all new books under 10 sheets	1s. per sheet
And for all new books above 10 sheets	1s. per sheet

‘He hath given out in speeches that his concern is equal in value to the Secretary of State’s. The vogue of Mr L’Estrange’s late conquests, and his pretended merits in the management of his present employment of surveying the Press, appears strange to those that understand his constitution ; the consideration whereof, if impartially viewed, the result will appear to be:—

‘First, his illegal assuming power, which by Law is only vested and of right solely appertaining to the King’s Majesty, Secretary of State for History and Intelligence, to the Heralds for Heraldry, to the Judges for Law, to the Bishops of Canterbury and London for Divinity and miscellanies, and Mr L’Estrange being none of these, is incapable by Law to manage any of these concerns. As to his management of the Press and the good use and service therein, it amounts to no more but this, that by such pretensions he hath terrified the poor printer and

¹ *News from Parnassus* (an ephemeral single-sheet, No. 1, 27th January 1681). ‘When he was Arch-oppressor of the Press he had taken as a bribe from a certain Society every New Year’s Day for many years 100 guineas’.

² The 1663 grant gave him the monopoly of ‘all narratives not exceeding 2 sheets of paper, mercuries, documents, play-bills, Quacksalvers Bills, Sale Bills, and Advertisements, etc.’ That of 1671 the sole right of printing all blank forms printed on only one side of the papers. His ‘pension’ mentioned above, by agreement with the Customs was paid down to the Revolution. *MSS. of Lords (Reports, Commissioners, 27, p. 416)*—an item of expenditure of the Excise Office, 1691, for two and a half years past. To the Door-keeper—for Coffee, Newspapers, *Gazettes* and *letters* ; to Sir Roger L’Estrange and other incidents—£548, 12s. 10½d.

booksellers who have not been able to satisfy his avaricious desires but for his own private gains suffers the rich to escape censure¹.

'For many years he hath exacted 5s. per ream for everything whatsoever that was printed for His Majesty's immediate service as for collecting His Majesty's Customs, directions for getting the Hearth Money and Excise, and this not by such content, but many thousand reams per annum, but *quo jure* this hath been done may rationally be considered.

'It is granted the late Farmers of Excise paid 17s. 6d. per ream according as His Majesty paid when that part of His Revenue was managed by Commissioners notwithstanding'².

The seventh Clause of this indictment—the taking of fees for licensing books—if true was not distinctly illegal³. In the case of Reprints, which required a new license (one of the objections often quoted against the *Imprimatur*) the busy Stationer preferred to compound with the licenser, and even for ordinary books, the slipping of a guinea into his hands, was notoriously said to satisfy the Surveyor. But from all sources it appeared that L'Estrange was by means of his old and new grants levying tribute on every conceivable form of the Stationary trade. As to the licensing of 'the numerous spawn of nonconformity'—including Papist books—that matter was yet

¹ For an example of his high-handed conduct see *S. P. Dom. Cur.*, ii., 390 (9) 3rd January 1676-7. A bookseller had received from Amsterdam a book of the same class as *Hutige* called *Ziglae Amores*, and the *Ecole des Filles*. L'Estrange having notice, turned the man out of his shop for several hours. It is difficult to say whether the offence was against public morals, Charles II., or the Duke of York, who had the forfeit of foreign unlicensed wares. It is singular that in this reign Hart (*Index Exp.*, p. 195) could only find one book (*Quaker and his Maid*) prosecuted for pure indecency; for blasphemy, there are more, as Hindmarsh's *Presbyterian Paternoster* 1681 (*Index*, 262).

² This came under his grant of 1671 as being printed on only one side of the paper—a vexatious monopoly denied to L'Estrange in 1662 (chap. v., 106) enjoyed by Symcock at the beginning of the Civil Wars and complained of by the Stationers in 1628 and again in 1641. See the *Printers Petition* of that year so often referred to. *H.M.C., Appendix to 4th Rept.*, p. 21. In 1678 a similar grant was made to Wm. Paston (Earl of Yarmouth) 'except all matter and things of the nature aforesaid by us granted to Roger L'Estrange Esq.' (*S. P. Dom. Cur.*, ii., *Warrant Book* 1, No. 5), contested by printer Darrel, 1. Jac. 2 in B. R. See Viner, *Abridgment*, viii., 208.

³ He swore before the Libels Committee, March 1677, that he never exacted a penny for licensing books. It may be remembered that his demands in 1661-2 included 1s. per sheet for every book licensed. *H.M.C.*, pt. ii., *9th Rept.*, p. 79a. In their objections to renewing the Press Act, 1695, the Commons specially noted that the Act did not limit the Licenser's exorbitancies, *Lords' Journals*, xv., 545b.

to come before the Libels Committee, and no more need be said here than that a Committee of the Commons held in 1666 had already acquitted him of a charge of reselling his great seizures of Catholic books in the moment of anti-Catholic frenzy succeeding the Fire¹. If we accept the 8s. 6d. per ream estimate above, and the 17s. 6d. paid, the difference may perhaps be taken as the value of his later monopoly in one great and public department. The author of these complaints does not mention the printed Catalogue of books (*Mercurius Librarius*), which Professor Arber has reprinted under the name of *Term Catalogues*. During the years of L'Estrange's 'late conquests', i.e., 1671-6, we find in these *Catalogues*, which were directly under the Surveyor's management², some damning evidence either of Printer Clavell's carelessness, or L'Estrange's venality in passing the very type of libel he denounced. Clavell, of course, could always be blamed for such indiscretions, and at any rate the Surveyor could always plead worry, haste, or indisposition.

Be that as it may, it is certain that in July of this year, the Secretary directed him to approach the Stationers once more and insist on the long delayed bye-laws. Parliament would meet in a few months. Already, what with *Jenks' Speech and Accounts of the Folkmote held at Guildhall* the City was in a very excitable condition, while the libels of the previous year, Locke's (?) *Letter from a Person of Quality*, Croft's and Hickeringill's *Naked Truth*, and Marvell's *Divine in Mode*³ were still turning the people's heads with rebellious thoughts against both Church and State. There were rumours of more dangerous libels new-hatched by the leaders and lawyers of the Country Party.

¹ *H.M.C., ibid.*, p. 79b. The editor of the *Catalogue of the Hope Collection of Early Newspapers* in the Bodleian Library, 1865, remarks in an ignorant note (pp. 6-7) that L'Estrange 'held the office of Licensor of the Press and directed the power the situation conferred on him in opposition to the intrigues of the Papists'.

² Professor Arber has scarcely given L'Estrange the place which was really his in this publication. In the first place from a letter of Arlington's (*S. P. Dom. Cer.*, ii., 274 (5)) it appears that the original idea was his, and the quarrel between Starkey and Clavell for the printing of it, merely a printer's quarrel. In practice no doubt, the busy Surveyor left the consideration of many books to Clavell. The appearance of *Mercurius Librarius* and the book of Advertisements (*The Mercury*) in 1668, marks L'Estrange's eagerness to use his monopoly of advertisements to replace the forfeited *Newsbook*. Clavell became a great bookseller and Dunton gives him a high character (*Life and Errors*, 207).

³ Warrant to the Surveyor to search for these libels, 29th March 1676. *C.S.P.D.* (1676-7), p. 51.

A month after the City midsummer uproar referred to, L'Estrange on the 14th July¹ appeared at the Stationers' Court and proposed his two new bye-laws, the substance of which was:—

I. Regulative—that no member of the Society *print or conceal* any unlicensed book, and—most important—that the said bye-laws be read to every freeman at the taking of his oath and to be printed with the oath and a printed copy hereof to be forthwith delivered to every member of the Company and all discoveries to be entered in a book kept for that purpose whereof Mr L'Estrange is to have a view on demand².

II. Punitive—The Company to use its power of inflicting fines and forfeitures of interest in the Common Stock and work thereon for such offences.

It need scarcely be pointed out that these are the substance of his old proposals of 1661-2.

It was the personal application of these rules which annoyed the Stationers. They were quite willing to pass general bye-laws of the nature of pious aspirations to be relegated to the mass of unenforced rules. We are not surprised that from this moment the Surveyor's relations with the Company, never cordial, became intolerable. Whilst assuring him politely that his proposals would be the chief business before the next Court², the date of that Court was withheld from him, and as the calling of a Court was a matter to be suddenly decided over a bottle of wine by Roper, Mearne, and Royston, care was taken that the next meeting should not be graced by the Surveyor's presence. As it happened, the Mearne faction though predominant was not unopposed in the Society. The Master, Abel Roper, was of the Trimming kind, and seems to have advised capitulation. Frequent bickerings were the result, on one occasion Warden Mearne declining to give up the key of the Hall when a hurried meeting was convened by the other side.

Towards the end of September, the Surveyor again appeared at the Court to demand what progress they had made with his bye-laws. They had reluctantly passed the

¹ *C.S.P.D.* (1676-7), p. 590.

² Ordered that the intended bye-laws and particularly the Papers now delivered into Court by Mr L'Estrange be the first business debated at the next General Court. *Ibid.*

Regulative Clause, but such eloquent delays¹ were objected to the second or Punitive, that L'Estrange informed them that the King would be no longer trifled with—'the meeting of Parliament was at hand and if the bye-laws were not passed before it met, they would be pestered with libels and the blame lie at their door.' 'Upon this', says Capt. John Seymour's information², 'a leading member (Mearne), sprang up and accused them of wishing to make the Company L'Estrange's slaves, and spoke disrespectfully of the King, but on L'Estrange threatening to report the words, they were apologised for by other members. . . . It now appeared that the objection of the Company was not so much to the passing of the desired bye-laws, but the communicating it specially to each member, as they hoped to evade it, by entering it into the bulk of their other bye-laws, and then pretending ignorance of it'.

It is clear that the Stationers' Court in company with the Mercers, etc., in these months merely reflected the turmoil of the Common Council, with the added excitement of L'Estrange as the King's deputy attempting to bully a free body into compliance³.

The Stationers afterwards complained that the delay in passing these bye-laws was due to alterations in them made by the Surveyor, and that the noisy scene when Mearne refused the key for the Court summoned to deal with L'Estrange's proposals, was the effect of a purely personal quarrel with the trimming Master.

On the 4th December, the Stationers passed a bye-law, that no unlicensed book be entered in Clavell's Catalogue, which though described as 'at the instigation of L'Estrange' was surely meant as an attack on that official, since he kept the key of the Catalogue.

It was shortly after—the 20th December—that these negotiations having come to nothing, an attack against

¹ The usual ones—admitted by the Surveyor—that they had no power over people so long as outsiders traded in books. *S. P. Dom. Cor.*, ii., 391, Nos. 96-7.

² The information here detailed is derived from the proceedings of the two Libels Committees given in the App. to the *2nd pt. of 9th Rept., H.M.C.*, pp. 69a-79b, and 66a and b, and the corresponding entries in the *Lords' Journals*. It is clear from the fact that Seymour's indictment coincides largely with L'Estranges' Report (*S. P. Dom. Cor.*, ii., 391, Nos. 96-7) that the former was merely the Surveyor's mouthpiece. Another source is the important document *S. P. Dom. Cor.*, ii., 366 (263), being some notes by Williamson of an examination of the Law Officers and the Messengers, 20th December 1676.

³ Carte, *Life of Ormonde*, ii., 522. 'All mechanical Companies were entirely on the republican side of the dispute'.

the Stationers which emanated from L'Estrange was communicated to Williamson, though Capt. John Seymour is the nominal accuser¹.

These charges are the basis of the grand attack shortly to be delivered before the Lords' Committee.

A word on the two protagonists in this struggle may be desirable here.

Samuel Mearne was that patentee recommended by the King along with Norton and Roycroft to the Stationers' Assistance in 1668. His career as a monopolist is not without interest. In Commonwealth times, his record was no doubt clean enough, for his appointment as King's bookseller in June 1661 with a pension of £6, was unchallenged at the moment when the old Cavaliers were denouncing similar favour shown to Tytan, Newcombe, etc. From the time of his introduction to the Stationers for conspicuous loyalty, he took the leading part in those seizures of Popish and sectarian books which marked the years of the Surveyor's declining interest. He displaced the Surveyor at a time when the secretaries were very glad to get rid of the impecunious cavalier. He fell foul of the Baptist Printer, Frank Smith in such ruthless manner² that, despite the deep rooted antipathy between their views, L'Estrange seems actually to have received Smith as a useful ally against the pretensions of Mearne, and placed him under the protection of his tool Capt. Seymour, 'to whom all fled that were obnoxious to the Stationers'. 1674 with the Fall of Arlington, we marked as the lowest year of the Surveyor's interest. It was the year of Mearne's greatest power. In June of that year he was sworn Stationer-in-ordinary, and in May 1675 we read that 'Whereas he hath by his humble petition faithfully executed the said Office of bookbinding for so many years past and as also that of our bookseller, and having humbly besought us that in regard the said offices depend on the Trade of Stationer and he having brought up his son, Charles, to the Trade, etc. . . . he now surrenders his old grants, and receives a new grant for himself and son of the several offices of bookbinder, bookseller and Stationer-in-ordinary for life, in consideration of the good skill and ability of the said same Mearne and

¹ Page 207.

² Chap. iv., 114. F. Smith's Petition to Arlington, and letter to — complaining of Mearne's treatment, *S. P. Dom. Car.*, ii., 360 (149 and 150), February 1674.

his son to serve in the said employment, as also of the care and pains taken by the said Samuel in inspecting the Press and suppressing scandalous and seditious libels and pamphlets¹.

So that at the time when *The Naked Truth* and the *Test Libels* were flying about, Mearne was enjoying an esteem beyond anything L'Estrange had yet possessed. It is interesting to note that he also presented the precious Thomason Collection of Tracts to the Crown², though afterwards his widow had to receive something in consideration of this great gift.

Seymour, the sanctuary of all the distressed printers, was the gentleman-printer who in 1667 set up or used Larkins' secret press in Southwark to print the *Painter* and *Gloster Cobbler* libels and satires. Yet in October 1669 he was given a forty-one years' grant of fourteen classical works hitherto enjoyed by the Stationers. Larkins³ and his wife had been protected in gaol by L'Estrange, who now used them for discoveries. Seymour also protected Frank Smith from the vengeance of the Stationers. We shall find that Seymour further provoked the latter by infringing their copyright of Gadbury's Almanac⁴. Since we have written out at large the charges of the other side against the Surveyor, it is only fair to enumerate the heads of Seymour's indictment, six weeks before Parliament met, of the Mearnes and Roycroft's.

1. The Company seizes 'ill-books' and then disperses them by means of the hawkers, at enhanced prices.
2. The Company compounds underhand with offenders.
3. They give warning to friends of the weekly searches.

In the approaching struggle, L'Estrange could reckon on a loyal minority in the Stationers Company, including the Master, one Warden, and the Clerk, on all the Press messengers, on Seymour and his henchmen Larkins and Smith, and on those mean printers employed by prominent Stationers to print the great libels, and now by the menaces of the Surveyor turned King's evidence against their employers.

¹ *S. P. Dom. Car.*, ii., *Entry Book* 40 A (p. 64).

² For the history of this Collection see Bodleian, *Gough Maps*, 46, f. 168.

³ Seymour's 'chief printer' Libels Committee, *H.M.C.* 76a. See his subsequent career, chap. xi., pp. 356-7.

⁴ See this case 1678, *Modern Reports*, i., 256-7. The case went against Seymour, Pemberton declaring that the King had a right to confer such patents as this enjoyed by the Stationers Seymour was, however, consoled by other grant, 15th September 1669, *C.S.P.D.* (1668-9), p. 493.

In the month which intervened before Parliament met, Williamson seems to have collected, besides the libels, which still repose in the Record Office, a good deal of evidence for the Committee of Lords now determined on to investigate the mischief¹. This short period was marked by an eruption of seditious printing, as the Surveyor had foretold which by its concert and unanimity, puts it beyond doubt that it was the work of the Whig leaders, and the prologue to their contemplated line of action, which was to place several of them in the Tower.

It is clear, however, that no bye-laws would have protected the Government against this confederacy. We have already briefly referred to the three great libels printed on the eve of the meeting of Parliament, like a New Whig Gunpowder Plot to blow up the present Parliament. The printers first approached showed a commendable discretion in refusing to print, the fruit, no doubt, of the rigours and menaces of L'Estrange at the Stationers' Court, but an instrument was found in Nat Thompson who afterwards distinguished himself as the bitterest opponent of sedition and dissent. In his unconverted days Nat was poor and mercenary, though allied to a printer of considerable interest, Thomas Ratcliffe². He had till quite recently employed as a workman the redoubtable Robert Stephens, who lived to be one of the characters of the Press, 'a brave favourer of the Whigs' after the Sheriffs Elections, and the most annoying of all L'Estrange's enemies. He left Thompson at this time—that is, during, or shortly after, the printing of the Prorogation libels—because 'he would not print such books'³, and using his considerable knowledge of the subterranean press, started on a career of discovery which was very grateful to the Secretaries, but so disconcerting to his former employers that 'they threatened to

¹ The very secretive letter from Roger L'Estrange to Williamson, 3rd February 1677 (*S. P. Dom. Cor.*, ii., 390 (132)) no doubt refers to the preparations for the attack on the Stationers. 'I have set the business you gave me in charge yesterday morning. I am informed that the Stationers are moving against Thompson's servants and for the dissolution of the House. Some of the Printing Houses may be useful to me in my present design. In a few days I promise myself to see the end of this discovery'. The 'Discovery' is doubtless the three libels referred to above.

² By the survey of 1669 it appears that Ratcliffe employed 7 men, 2 presses, and 2 apprentices.

³ *Observer*, 20th April 1684, i., 323: 'A rogue that was accompted the very scandal of the Printing Trade, while he wrought among them'. No doubt he was selected on the principle of 'set a thief to catch a thief'.

kill him'. Honest Robin had however his reward, for he was made Press Messenger-in-ordinary, an office in which he distinguished himself as the sternest guardian of loyalty until the Plot, or rather the attack on the City's rights, turned him into a Patriot and a Whig. In this character he encountered the enmity of L'Estrange, and on the accession of James was dismissed from his noisy office¹. At the Revolution he was restored.

For the present Stephens denounced Marlow, Battersby, Bridges, and Thompson, the mercenary printers of Marvell's libels, Croft's *Naked Truth*, etc. With the exception of Bridges, these men had no legal right to set up as Masters, but were conveniently maintained by great men at Stationers' Hall, the brothers Sawbridge², Wright and Mearne whose questionable work they printed. Thompson had worked for sober Mr Godbid, but was specially marked 'not free of the Company' in 1672. Battersby, as we saw, had entered into a quarrelsome partnership with Henry Lloyd (who was a master printer in 1672). Marlowe in 1672 was a mere journeyman. But from the Stationers' point of view, the sorrier the rascal, the better hold on his secrecy and the cheaper his work.

John Redmayne, once a flourishing printer, but much crippled by the Fire, was also of the adulamites who fled to Seymour from the cruelty of the Stationers, and now, as one of the party of the Surveyor, gave valuable evidence against them.

The Prorogued Parliament met in the first week of February. On the 13th the libel *Some Considerations upon the Question whether the Parliament is Dissolved by Prorogation for 15 months* was read, and immediately it was moved 'that a Committee be appointed to inquire who was the author and contriver and Printer of this book and report what they find to the House'³.

The forty Peers chosen included ten Bishops. The Earl

¹ Dunton, *Life and Errors*, p. 253.

² Geo. Sawbridge was Master in 1675. Dunton (*Life and Errors*, p. 211) says 'he was the greatest bookseller that has been in England for many years'. He left over £40,000. See notes by Williamson about Printing—The Booksellers and J. Seymour, 20th December 1676, *S. P. Dom. Car.*, ii., 366 (263), containing the charges of Messengers Gammion, Blundell, and Rookes, and of the Law Officers. It is a perfect indictment of the guilt of this 'Ring of men-Knaves', their compounding with offenders, seizing, yet selling forbidden (Popish and Republican) wares, etc.

³ *Lords' Journals*, xiii., 51; Foxcroft, *Life of Holifax*, i., 119.

of Aylesbury was chairman, and the Committee included Albemarle and Monmouth. Any five formed a quorum, and their labours were to begin 'Monday next, at 9 o'clock in the forenoon at Princes Lodgings, and to adjourn as they pleased'. The Committee was to enquire into 'any other printed books that are of that nature'.

On 1st March Aylesbury presented his first report, which resulted in nothing more dramatic than the calling of Dr Cary to the bar of the House for handing *The Grand Question*, etc., to the Press. On Cary's refusal to name his authors or employers, he was sentenced *for contempt*¹, to be fined £1,000 and to be committed to the Tower².

Although another libel—besides that which was the specific cause of the Committee's labours—had been presented in the form of *The Long Parliament Dissolved*, and although the Committee had the printers—not the authors—in hold, the Cary libel was felt to overshadow all others because of the suspicions of its high origin. Thompson, its printer, was too mean an object to occupy their Lordships' time, but if the libel could be brought home to Denzil, Lord Hollis, or the conclave of Whig lawyers, it would furnish the Court with a weapon in the approaching struggle which might have anticipated the ruin of the Whig leaders before Oates appeared on the scene. But Cary kept his council despite embarrassing pressure from Charles himself, the Duke of York, Coventry, and Secretary Williamson. Whether Hollis or Shaftesbury had any close connection with this libel or not, the legal ability and knowledge it displayed raise it beyond doubt into the rank of constitutional documents of first-class interest.

One effect of Aylesbury's report was the order of the Lords—it is singular how much their House predominated in this session—two days later communicated to the Lord Chief-Justice of Common Pleas and Lord Chamberlain, Baron of the Court of Exchequer, to prepare a new Press Act, and the Stationers to lend their aid³. Mearne claimed something from their readiness to give satisfaction in this direction.

On the 5th March, the Committee again reported on the

¹ Marvell's *Growth of Popery* (Thomson's ed. *Marvell's Works*, i., 545). 'But now therefore Dr Cary, a commoner, was brought to the barre before them . . . and they therefore fined them £1,000 under that new notion of contempt, when no other crime would do it'.

² *Lords' Journals*, xiii., 54-5.

³ *H.M.C., 9th Rept., pt. ii., p. 79, note.*

three Prorogation libels, discovering the author of a fourth—a piece of insolent dissent by a Rev. Sam. Smith who now appeared, and did penance¹. Thompson printed this too. The 7th and 8th March were consumed by the Lords in reading the libels, and much impressed by their treasonous sentiments, they ordered them into the safe keeping of the Clerk 'not to be communicated to anybody without leave of this House, and a copy be made to be burnt'².

This finished the business so far as the Lords were concerned, for Aylesbury's reports said nothing of the affair that was monopolising the Committee's time, viz.: a pitched battle between the friends of the Surveyor and the friends of Warden Mearne.

A better theatre for this long-threatened contest could scarcely have been chosen.

On the 10th March—two days after the Lords had disposed so far as they could with the burning of the libels and the punishment of the mean printers—Mearne opened the attack for the Stationers by declaring that Capt. Seymour had set up two or three presses in Putney, contrary to the Statute, referring back to the old offences of 'his chief printer' George Larkins³.

On the 13th⁴, Seymour replied that he printed nothing but Almanacs (the Company claimed the sole right in this patent, hence much of the present enmity), and these licensed by the Archbishop of Canterbury. This for his defence, which became the matter of a great lawsuit in the following year⁵. His *tu quoque* attack accused Mearne and his friends of selling the works of two dissenting divines, Dyer and Osborne, which in 1673 had a great vogue. As his witnesses, he desired to call the Master, the other Warden, and the Stationers' Clerk (by name Roper, Clarke, and Lilly respectively) and the influential Newcombe, who, as printer of the *Gazet* was at Williamson's command, and therefore against the 'factions majority' of the Stationers⁶.

¹ *Lords' Journals*, xiii., 64, 65.

² When the search for the author of the *Growth of Popery* was proceeding briskly we find it ordered by the Lords, 25th February 1677-8, 'that Mr L'Estrange have liberty to see the MSS. of the libels condemned by this House in March last'.

H.M.C., pt. ii., 9th Rept., p. 71.

³ *Ibid.*, p. 75b. The *Cobbler of Gloster* and the *Painter* series.

⁴ *Ibid.*, p. 75.

⁵ See note p. 221.

⁶ Besides he had just emerged from a suit with the Company argued before the Council (12th May 1676) 'about the printing injunction of King James 1604' *C.S.P.D.* (1676-7), p. 110. Like Seymour he was worsted in this contest, but like him also had his reward for his present services, being made King's Printer shortly

Both parties appeared in full force on 20th March. On one side Seymour with his witnesses, L'Estrange in the background; on the other, Mearne, Sawbridge, Wright, Taylor¹, etc. The mean printers were held in readiness to convict either party, but chiefly suborned against their old employers, the Stationers.

After some preliminary recrimination, Seymour presented his printed case against the Stationers², and annexed to it a list prepared by the Surveyor of Libels 'printed for some eminent men in the Company and dispersed'. The feature of this list of eight libels was that L'Estrange had carefully written in the margin the names of witnesses ready to swear to the real publishers of each. The enormities and contumacy charged against the Stationers in this printed copy are merely the old corruption and bribery noted so often by the Surveyor.

The 24th and 27th were the grand field days of the contest. On the first day the Stationers proffered their printed paper of counter-charges, while L'Estrange's witnesses gave their evidence. On the 27th, L'Estrange brought up every unit of his little army to crush Mearne's legions, who must then have appeared overwhelmed by the volume of his corrupt actions proved so circumstantially. But a rebuke administered to Seymour on the 30th, a rally on the 6th April, and an incursion into the enemy's territory over the matter of the Surveyor's corrupt use of his license, and the old affair of Popish books seized and re-sold by him after the Fire, gave a turn to the contest.

This last day (6th April) was the Stationers' property, and with the Surveyor's plea for a pardon for his poor informers, the contest closed with divided honours and far from the victory the Surveyor's party had promised itself³.

While contumacy and corruption were abundantly proved against the Stationers, as also their tyranny over the meaner printers and their inveterate hatred of any other authority than their own, it was equally proved that L'Estrange had

after 11th May 1677 (*S. P. Dom. Acc.*, ii., Entry Book 40a, p. 199). He became the intimate of L'Estrange and indeed introduced him to Young Tonge in 1680. The Stationers' warfare resolved itself into a pull between the bulls and the bears, L'Estrange, Seymour, and Newcombe *versus* the great men at Stationers' Hall.

¹ Randall Taylor 'came into the Milton inheritance', says Roberts (*Earlier History of English Bookselling* (1889), p. 94).

² *H. M. C.*, pt. ii., 9th Rept., pp. 76a-b annexed (77a) L'Estrange's list of libels with notes.

³ *Ibid.*, pp. 77a-79a.

allied himself to some extent, and for defensive purposes, with the very elements that he had set out so noisily to subdue, and that acting on Williamson's commission of July 1676, he had by an overbearing conduct, attempted to override the Stationers. We should therefore call the engagement a drawn battle, especially as the scene of contest was merely shifted from Princes Lodgings to that select legal Committee to which the Lords had on 3rd March committed the framing of a new Bill. The Law Lords heard counsel for the Stationers in connection with the proposed clauses on 10th April, from which we gather that the latter were eager to continue the old Act in spite of all its loopholes and grave omissions¹.

L'Estrange, however, from his side, contested the provisions of the old Act, as it had been fully demonstrated that it provided no penalties for the offences of prominent Stationers. The Stationers had again and again evaded L'Estrange's interference by saying that they had little power over their members. Now when the business might have been righted by a new and Punitive Act, they calmly advocated the old Act.

The Printers were also here with their suggestions which in effect would have achieved what they covertly desired and what the Surveyor had condemned—an independence of the book-selling fraternity².

These proposals never matured. The Lower House was in no mood to listen to such restrictive proposals, and the Government was forced back on a policy of imposing on the recalcitrant Society a body of regulations perused and approved by the Judges, and probably drawn up by L'Estrange.

It would be wrong to conclude that the few punishments dealt out by the Lords achieved the absolute Peace of the Press³. The real delinquents, the mercenary printers, had

¹ *Lords' Journals*, xiii., 13; *H.M.C.*, pt. ii., 9th Rept., p. 79a note.

² *Ibid.*, Roger demanded among other things that he should be entered on the Commission of Peace, his authority being restricted to Press matters. See the important paper *L'Estrange's Proposals to become answerable for the Press* (*C.S.P.D.* (1676-7), p. 599). He demanded also an *authorised* Deputy, and that his servant should be sworn a Messenger of the Chamber.

³ Bohun (*Address to the Freeholders*) takes a different view, but compared with the Plot frenzy any previous liberty looks mild. 'The Parliament having had the leisure during a long recess to consider severely what would be the event of these things (Prorogation Libels, etc.) in the beginning of the next session rescued themselves from the contempt and delusion of these *haut-faits*, and having made some of them examples of their just resentment things went smoother till the

purchased their pardon, whilst the authors were—with the exception of the Rev. S. Smith and Dr Cary (if he was an author)—unknown. The year following the Committee's labours brought forth a rather heavy crop of arrests for libel, culminating in the pretended search for the author of the *Growth of Popery*¹, which throws its portentous shadow over all other libels of these years.

We are not surprised therefore that the Government fell back on regulation by the Law Officers. The pretentious document which embodies these regulations is entitled: '*Orders Made by the Master and Keepers or Wardens of the Stationers Company, 1678*'².

After quoting the Statute of 19 Henry VII.³, and retailing a good deal of old stuff, relating to the elections and internal economy of the Company, the real gist of the matter is reached on page 11 where it is admitted — what the Stationers affirmed and denied as it suited their purpose — that the old 1662 Statute had signal defects to remedy which these Proposals are submitted.

Clauses I. and II. forbid the setting up of presses without notice given to the Master, etc. No 'press-in-a-hole' is to be erected, or to be in any way supplied, with material, wages or 'any sort of comfort', but the freemen of the Company are bound to discover it within three days.

Clause V. No more presses to be set up until the legal limits (now grossly exceeded) are observed.

discovery of the Popish Plot'. Beyond the censure of Smith, the imprisonment of Thompson, Joseph Browne, and Dr Cary, we cannot find many examples of their resentment. But even these were remembered. Among the votes of 23rd December 1680 (quoted in Fergusson's (!) *Just and Modest Vindication of the Two Last Parliaments*) we find it resolved 'that Mr Joseph Browne ought to be restored to all the offices and places which were taken from him . . . for publishing an unlicensed book called *The Long Parliament Dissolved*'. Hart, *Index*, p. 210. After three years in prison, Browne was pardoned by Royal Warrant, 15th December 1679.

¹ The rigour towards the printers was not 'pretended'. *S. P. Dom. Cur.*, ii., Warrant Book I, p. 485, contains the Messengers' expenses for the discovery of bookbinder Thos. Bedenell and 'to 2 days spent with the Coy. of Stationers to find out the Printer of the said book £1, 0s. 0d.'.

² Arber, *Transcript*, i., 4 *et seq.* Various copies of these printed Orders exist in pamphlet Collections. This 1678 exemplification (the earliest we have) is remarkable for the L'Estrange Bye-Law to be read in Hall to every newly admitted member of the Society.

³ The reference to this Statute is common to all Stationers' Orders which by the old Act required the approval of the Law Officers, and were promulgated 'at the request' of the Master, etc., of the Company.

Clause VII. No one but Ed. Atkyns is to print law-books as Poulton's Statutes, Coke upon Littleton, etc.¹

The hand of the Surveyor is seen most clearly in the Regulations:—

- i. That the bye-laws be read to every member of the Company on entry.
- ii. The neglect to inform of a secret press (within 3 days) is punished by loss of a year's interest in the stock unless the Master, etc., 'with consent of Roger L'Estrange, Esq., or such persons as hereafter shall have the like power concerning the Press committed to them as he now hath, . . . upon hearing cause, shall think fit to mitigate the same'.
- iii. For the future, two books are to be kept at the Hall, the one for *Information about Presses*, etc., the other a complete day-book of unlicensed books, their printers, etc., 'which books shall be shown to Roger L'Estrange, Esq., when he shall think fit'.

Signed H. FINCH C.

RE. RAINSFORD.

FRA. NORTH.

A glance at these clauses will show that the Regulations embodied most of what the Surveyor had been fighting for, and in this sense are a victory. But so little time intervened before the breaking out of the Plot which set free every form of lawlessness that little good can have come of them. The prominence given to Atkyn's monopoly, long contested by the Stationers, the honouring of Newcombe and the new monopolies given Seymour to compensate him for the adverse decision in the matter of printing almanacs, all show that the Government meant the Stationers to feel its displeasure.

This body of Regulations effectually marks the end of any spirit of independence in that Society. In the approaching deluge, it disappears as a curbing force, and the Government acts single-handed against offenders. The expiry of the Press Act in July 1679 and the evil precedent of the entry of the law officers on the scene, is followed by the attempted action of Scroggs and Jeffreys to gag the Press from the Bench of Justice. But to all intents and purposes, the Stationers have disappeared; a large part of their monopolies

¹ The reversal by the Lords of the Judges' decision came too late to be enjoyed by his father, Richard, the friend of L'Estrange.

are already filched or ignored, and when in the ignoble stampede of corporations, societies, and even schools towards a yielding up of charters took place, the Stationers had the unenviable distinction of leading the rout. And the truly humiliating thing is that that very Nat Thompson who had been the worst offender in 1676-7, printed and probably composed the following paean of praise¹:—

A NEW SONG IN PRAISE OF THE STATIONERS COMPANY WHO (AFTER THE GENERAL FORFEIT) FOR THEIR SINGULAR LOYALTY OBTAINED THE FIRST CHARTER OF LONDON, 1684.

Verse 3

‘But the Stationers’ Hall so loyal
The Charter by which they meet
The gift of his ancestors royal
Did humbly lay at his feet.
Now to the Stationers’ Honour
The Charter is on record
Great Charles, the bountiful donor,
Their Franchise has restored’.

We are no longer in the days of the ‘factious majority’.

This period marks also the effectual disappearance of the clerical authorities from the government of the Press. In July and again in October 1678 we find the Bishop of London impartially ordering the seizure of F. Smith and Nat Thompson, the stormy petrels on both sides. It should be remembered that with the removal of Williamson in February of this year, L'Estrange's deputation came to an end. We find him soliciting Compton for a renewal of the lucrative privilege of licensing the almanacs², and as an inducement giving his Lordship information of a sect in Lower Moorfields called the *Sweet Singers of Israel* or the *Family of Love*³. A letter to Dr Borlase shows that he anticipated no difficulty in getting the deputation renewed⁴.

¹ 183 *Loyal Songs* (1683), p. 134. That judgment was actually entered against the Company we infer from the fact that in 1690 there was a reversal. Arber, *Transcript*, v. xli.

² *Ibid.*, v., lv. The Bishop of London had sole right of licensing almanacs, *ibid.*, v., liv.

³ *Rawl. MSS.*, C., 983 (18), 20th August 1678, ‘40 or 50 together. This Conventicle they say has been up about two months and multitudes of people flock thither to see them. The neighbourhood takes notice of many women among them, that stay all night, whom, it is believed, they take in common and promiscuous freedom’. This letter announces Marvell's death.

⁴ *Stowe MSS.*, 82, f. 1. Roger L'Estrange to Borlase, 20th February 1678-9. ‘At present my commission of licensing matters of State is determined by the removal of Sir Joseph Williamson by whose deputation I acted, but that rubb will quickly be over’.

In January of 1679 he is urging his old caution on Coventry, not to listen to the Printers' demands for separate incorporation and for the same rights of search enjoyed by the Stationers Company¹. With the advent of the Plot came new difficulties over the licensing of such things as 'limping' Pordage's *Brief History of Popish Persecutions*, etc., Dr Tonge's *Jesuits' Morals and Bloody Narratives*, *Royal Martyr*, etc., a feature of his licensing career which may be deferred to next chapter. Like Chief-Justice Scroggs he had to read the mind of the Court. In May he was relieved by the expiry of the Act from these difficult duties, but not before he had enraged the rabble by his partial licensing. At the same time he was relieved of his livelihood. The publication of Chas. Blount's (Philopatris) *Just Vindication of Learning and of the Liberty of the Press*, 1679, may have helped Parliament to make up its mind now, as in the final expiry of 1694 his *Reasons Humbly Submitted for the Liberty of Unlicensed Printing* may have aided Locke in this direction².

Another form of literary activity already referred to in connection with the loyal Muddiman was exercising the minds of ministers. It had not yet attained the dimensions it was to assume after the Popish Plot, but already it was apparent that L'Estrange's old demand for bringing written matter within the scope of the Press Act was not so unreasonable. On 3rd September 1677, Williamson signed warrants³ for the arrest of several of the chief agents in this kind, two of whom, Kidd and Giles Hancock, will appear again in connection with the Rye House Plot Examinations.

The 'Prorogation' libels being certainly the greatest concerted attempt in political criticism of that age, it may be desirable to conclude this chapter with some description of them. As has been said, they were the work of 'as eminent lawyers as the party boasted'⁴. If reprinted with

¹ Two letters to Coventry, 10th and 12th January 1679. *H.M.C.*, 4th Rept., p. 236.

² Hilger (*Index der Verbotenen Bücher*, p. 217) has given him as much credit as Locke and Milton combined. 'Im übrigen war es dieser selbe Charles Blount welcher durch seine Schriften und Intriguen, die Zensur zum Falle brachte, wenigstens ihren Falle vorbereitete'.

³ *S. P. Dom. Car.*, ii., Warrant Book 1, p. 411.

⁴ This was the point of agreement of all the witnesses and admitted by Cary himself. 'The foundation of the Whig Party may be referred to the year 1675', says Mr Pollock (*The Popish Plot* (1903), p. 221). The Green Ribbon Club, whence emanated the decision to agitate for a Dissolution, was 'the centre of the party of pamphleteers who devoted keen ability to incite and defame the Government' (*Ibid.*, p. 237).

the earlier libels of the session 1675, they would constitute a respectable volume of constitutional theory and practice. The list would then include perhaps:—

- i. *The Letter from a Person of Quality*, 1675—popularly ascribed to Shaftesbury and Locke.
- ii. *The Two Seasonable Discourses*¹ concerning the Present Parliament, with Imprint-Oxford, 1675—the discourses being:—
 - (a) The Debate for dissolving this Present Parliament, 20th November 1675.
 - (b) A letter concerning the Last Session 1675 from a Parliament man to his friend.
- iii. *Some Considerations upon the Question whether the Parliament is dissolved by its Prorogation for fifteen months.*
- iv. *The Grand Question Concerning the Prorogation of the Parliament* (the Cary libel).
- v. *The Long Parliament Dissolved*—for which Joseph Browne was punished².
- vi. *The Young Man's Plea or the Argument of all those Englishmen that are between the age of 21 and 37 for Dissolving this Present Parliament, who by reason of their non-age were not capable of giving their votes in the Election* (of 1660).
- vii. *Jenks' Speech*, 24th June 1676.

The last we have already referred to. It was an excited rendering of the whole gospel to the country party, mingled with anti-Papist hysteria, and demands for a new Parliament.

The title of the *Young Man's Plea* explains itself. It came out in February 1677 and was selling when the Libels Committee was sitting. The author is unknown.

The Letter from a Person of Quality is of earlier date and concerned more with the events which led up to the attempted Parliamentary Test of that year and the intrigues of the Church. It is remarkable for its portraits of 'the vehement Clifford', of Shaftesbury (who is the angel of light) and Buckingham with his medley of

¹ Printed at length in *Parl. Hist.*, iv., app. vii. and vi., pp. lxxi. and lxxvii., and ascribed to Shaftesbury. Included also in *State Tracts of the reign of Charles II.*, i., 65 and 69.

² See p. 214.

'eloquence' and 'well-placed' nonsense, showing 'how excellently well he could do both ways'.

Another pamphlet with a similar title believed to be the work of Marvell was the subject of communication between L'Estrange and Mearne, which throws light on their relations during the period succeeding the Libels Committee¹.

The remaining four pamphlets are more properly termed Prorogation libels, for they have but one object—a new Parliament. The first *Seasonable Discourse* states that 'a standing Parliament and a standing army are like those twins that have their lower parts united and are divided only above the navel'. Treating of the objections to a new Parliament, the writer says 'the first is that the Crown is in danger if you call a new Parliament. If those men be in earnest that urge this, it were to be wished they would consider well what are the men likely to be chosen, and they are not difficult to be guessed through the whole Kingdom, men of quality, of Estates and of the best understanding; such will never affect change or distrust the King's Government. *A new Parliament will be the Nation*'². The other discourse addressed to the same point is more jocose. 'We consist', says the author, 'of old cavaliers, old roundheads, indigent courtiers and true country gentlemen'; the two latter are most numerous and would probably bring things to some issue were they not clogged with the numerous uncertainties of the former. For the old Cavalier grown aged and almost past his vice is damnably godly, and makes his doting piety more plague to the world, than his youthful debauchery was, for he is so much a bigot to the Bishops, that he forces his loyalty to strike sail to his religion and could be content to pair the nails a little of the Civil Government, so you would let him sharpen the ecclesiastical talons, which behaviour of his so exasperates the roundhead that he on the other hand, cares not what increases the interest

¹ Roger L'Estrange to Mearne (?) 1676-7. 'As *A Letter to a Friend in the Country* (commonly called my Lord Shaftesbury) crept into the world last Session of Parliament and got loose by stealth, so am I to advertise you that if you take any notice of a pamphlet entitled *Animadversions to the Men of Shaftesbury* or some such title, you are to give an interruption to it. If the business comes to be questioned, leave me to answer it, etc.' *H.M.C.*, app. to 4th Rept., p. 231.

² See Sitwell (Sir George, *First Whig*, p. 14) for an animated description of the meeting of Parliament after the Long Prorogation.

of the Crown receives, so he can but diminish that of the mitre.

'Upon these, therefore, the Courtier mutually plays, for if any anti-court motion be made, he gains the roundhead either to oppose or absent by telling them if they will join him now, he will join with them for a Liberty of Conscience.

'And when any affair is started in behalf of the Country he assures the Cavaliers, if they will then stand by him, he will then join a bill against the phanatiques'.

The other three tracts which engaged the Committee's attention are lawyer-like productions, which address themselves soberly to the matter in hand. They all go back in their researches to the Statutes of Edward III., which laid the foundations of Parliamentary practice. 'The first point in this case', says *Some Considerations*, etc., 'is whether these two Statutes¹ are still in force, and not repealed. They are not repealed by the Act that repeals the Triennial Act'. All three quote the repository of Ancient Law, *The Mirror of Justice*, and Brereton is quoted a good deal.

The Grand Question is undoubtedly the greatest of these libels, as it is the most scholarly. No pamphlet of that age more clearly lays down the doctrine of *ministerial responsibility*. 'If the King practically evade the Law by short Prorogations, it is much to be deplored, but cannot be helped. He cannot be punished, *as the law is a rule to him, but not a rod over him. But it is different from his commanding his subjects, who can be punished, to break the Law.*

'A succession of short Prorogations comply with the letter of the Law, while one long one flies in the face of Law². I find only one precedent of a Prorogation for more than one year. In the time of Elizabeth, Parliament was prorogued three days over a year due to the Plague. She was mistaken and her mistakes cannot alter Law'.

The *Long Parliament Dissolved* was evidently not viewed with the same horror as the others, for though ordered to be burned and though Browne was divested of his

¹ *Ibid.*, 4 Ed. III., cap. 14: 'It is accorded that a Parliament shall be holden every year once, and more often *if need be*'; and 35 Ed. III., cap. 10: 'A Parliament shall be holden every year, etc.'

² A hint taken in connection with the Exclusion Parliaments. Such was the alarm created by this tract that L'Estrange induced Dr Nalson to change the title of his *Grand Interest of King and People* (1677-8), to the *Common Interest*, because 'the King had declared himself against the word, upon my showing him a pamphlet called the *Grand Question*, etc.' (Nichol, *Lit. Anec.*, iv., 70).

offices for selling it, it was not like the others voted treasonous. Its ambitious motto—'Cursed be he that removeth his neighbours' landmark and all the people shall say Amen'!—is difficult to understand, but its question—'What pleasure or advantage His Majesty can take or they themselves have in their sitting as a Parliament, when their very jurisdiction is like to be questioned in all Courts of England'—makes it of the order of the *Young Man's Plea*, absolves the disfranchised from the necessity of paying taxes, and gives the direct cue to the action of Buckingham and Shaftesbury in the new session. What alarmed the Government in this aspect of the agitation was the remembrance that in the same murmurs which had then turned to their advantage in 1659-60, the most powerful means had been found to stir up feeling against the Rump.

If this clamour continued, the Crown might lose the most cherished flower of the Prerogative—the right to dissolve, prorogue, and adjourn Parliaments at will. Hence the rigour and energy of the Libels Committee. In breaking the power of the Stationers, in turning it finally from a 'factious majority' to the loyal Stationers of Nat Thompson's muse, the Government was performing excellent service for the Court¹. No other Company so well illustrates the fortunes of the struggle between Charles and his people, his designs on the whole social fabric, and his attacks on bodies immemorially free. And the reason we are to seek in Justice Pemberton's remark: 'The art of Printing is altogether of another consideration in the eye of the law, than other Trades and Mysteries are; the Press is a late invention'².

¹ Taken with the imprisonment of Buckingham and Shaftesbury in 1677, the suppression of the Prerogation Libels may be taken to mark the demoralisation of the Whig forces. 'To human reckoning', says Mr Pollock (*Papish Plot*, p. 225), 'it seemed as if the Whig Cause was lost'. A year later Titus Oates breathed a new spirit into politics.

² Case of Stationers *v.* Seymour, 1678. *Modern Reports*, i., 256-7. We might have added to the list of 'Prerogation' Libels one which, though somewhat later in the year (1677) was regarded as the most venomous of them all—Marvell's *Seasonable Argument to Persuade all Grand Juries to Petition for a New Parliament*, Amsterdam, 1677. It contains a most invidious list with pungent notes of the chief 'pensioners' including Sir John Bennet, Williamson, Pepys, Sir George Downing, Sir John Birkenhead, Coventry, Jenkins, etc. See L'Estrange's *Account of the Growth of Knavery*, 2nd edition, 1681, p. 5. The *Seasonable Argument* is printed in Cobbet's *Parl. Hist.*, iv., app. p. xxii., and Marvell's *Prose Works* (1776), ii., 555. An excellent summary from the 'loyal' side of the events of these four years 1673-7 especially in the matter of the Press is given in Bohun's *Address to the Freeholders* (1682), pt. i.

CHAPTER VIII

THE POPISH PLOT—FLIGHT OF L'ESTRANGE

FEW writers approach the most tumultuous chapter in English history without a feeling of the impossibility of traversing that bottomless morass with order or success¹. The Popish Plot stirred up every order, interest, and activity of English life to the very foundations, and for a time the minds of the great majority of people were either in a state of real hysteria over the Plot (if they were simple) or over the effects of the belief of others in it (if they were in any position of public eminence). There were the elements of revolution in it. It was a conflagration in the national mind, and the feelings it excited survived many years. If we may vary the metaphor, this overwhelming billow caught the State ship at the worst possible moment, when the men at the wheel were distrusted, and there was mutiny on board. It is easy enough to furnish the bald details of the episode, to trace the career of Oates and his connection with his mentor, Dr Israel Tonge, from the interview which sent Oates to Spain to study the wiles of the Jesuits, to the evening when the two wended their way to Whitehall with the momentous 'Plot'. The delays set in their path by an incredulous

¹ Besides the older authorities and sources for this chapter, the latest 'Plot' controversy occasioned by Mr Pollock's *Popish Plot*, 1903 (undertaken on Lord Acton's suggestion to modern historians), and by the late Professor Gardiner's *What the Gunpowder Plot Was*, has already given birth to two works from the Catholic side, viz: Father Gerrard's *The Popish Plot and its Newest Historian* (1903), and Alfred Marks' *Who Killed Godfrey?* (1905) with an Introduction by Father J. H. Pollen, S.J., in which the latter remarks that the importance of the controversy lies in the fact that it affects the question of the possibility of a Catholic King. See also Andrew Lang's *The Mystery of Sir Edmundbury Godfrey*. (*Historical Mysteries*, pub. 1904.)

authority¹, the position taken by Godfrey, and the tragic end of that worthy magistrate three weeks later, the hasty seizure of various priests and supposed conspirators, Government rewards for the discovery of Godfrey's assassins, Bedloe's confession and Prance's arrest on suspicion, the examinations before the King and Council of the accused trio of Somerset House fame, Hill, Berry, and Green, and their execution despite their vehement denials—all these things are part of the familiar story. But to give any conception of the tumult, the terror in society, the doubts of some statesmen, and the jubilation of others—to say nothing of coffee-house cabals and chatter, the daily attendance, hems, and huzzahs of the mob at the Law Courts, 'the justice of the nation' extolled and canvassed, while the judges and juries gave popular answers to dubious enigmas, but 'justice arraigned' when the word from Whitehall was supposed to signal a staying hand, to describe all this is beyond any pen.

For our present purpose, the safest track is to follow the late Surveyor in his action throughout this crisis. It so happened that with that meddlesome mettle of his which had already involved him in almost every turn of State from 1640 onwards, he permitted scarcely a phase of the 'Plot' to pass without some contribution, either literary or personal. If the unpopular attitude he adopted at a time when unpopular ways incurred a real danger, was dictated merely by the habit of decrying the multitude, and of writing what he believed to be the Court mind—though persons who had better opportunities of knowing the mind of the Court than he were for a time deceived—not much more credit is due to him than that of consistent partisanship. He had few imitators on the Protestant and even on the Catholic side. Even Halifax regarded it as suicide to contradict the rabble in this matter.

As a matter of fact, L'Estrange had long foreseen such a crisis. To counteract 'fears and jealousies' of Popery

¹ See Sir F. Winnington's Speech against Danby, 1678: 'Was Green, Berry and Hill hanged for killing of Godfrey and must he (Danby) escape that so bitterly discouraged and menaced the Discoverers?' (*H.M.C.*, 10th Report, p. 130). Article iv. of Danby's Impeachment: 'That he is popishly-affected and hath traiterously concealed after he had notice, the late horrid and bloody Plot and Conspiracy, and hath suppressed the evidence and reproachfully discountenanced the King's witnesses in the discovery of it'.

had been almost an obsession with him for the better part of twenty years.

Three things—by no means small things—we can claim for the ex-surveyor in this connection.

1. He was almost the first person in the field¹—Catholic or Protestant—to make a stand in public writing, though at first by mere ‘hints and slanting’—against the great Salamanca doctor, and to attempt in the hour of Oates’ triumph a guarded exposure.

2. In the Whig *débâcle* following, in the dispute of the Sheriff elections for London, and when moderate men like Halifax said that enough had been done, he insisted on tracking down the Godfrey mystery day in and day out for months in his *Observers* and in the public service, and helped notably to make the Whig ruin complete.

3. Shortly before the death of Charles II., he received—not without importunity—that monarch’s permission to prepare the great Plotter for justice, ‘to dress up Oates for the pillory’, and in the first months of James’ II.’s reign he succeeded in bringing Titus to Jeffries’ tribunal. For that reason he shares with James II. the honour of being pilloried in Titus Oates’ *Portraiture of King James* written after the Revolution, and when Titus though unabsolved² was once more enjoying comfort and a measure of public sufferance.

It is interesting to watch the workings up of the Popish frenzy from the time of the Fire. Any one who reads the story of that catastrophe from the anti-Catholic point of view, as given in, say, the trial of the madman Hubert, self-accused of burning London for the Papists, will admit that the symptoms of madness were already present in the nation. The frenzy of the people in those terrible nights, their suspicions, frantic beyond all suggestion, the wealthy Catholics gladly surrendering themselves to the safety of a prison rather than encounter the fanatic mob, and the solemn acceptance by all, judges, jury, and witnesses, of the probability of Popish wickedness, not impeded by a

¹ ‘One of the first attempts (besides railing at the witnesses of several libels) was as I remember in a printed pamphlet entitled *Reflections*, etc., about the beginning of July 1679’ (*Observer Proceed a Trimmer* (1684), p. 5). There was an earlier French tract dated 1st March 1679, which derided the Plot (*H.M.C.*, 11th Rept., App. ii., p. 97).

² That is by Parliament. He was fully absolved by the Commons, but the Resolutions never finally passed the House of Lords. *State Trials*, x., 1330.

Royal Proclamation which gave colour to this view—these things warn us that the great conflagration of 1666 afforded all the material of a Popish Plot—only the genius of Oates and Tonge was lacking to raise it to the mighty structure of 1678.

To keep London ablaze, both in a plain and figurative sense, seems to have been the almost conscious policy of the ultra-Protestant party, who were also the factious and Dissenters. From that time, right on to 1678 and beyond, whether by design or accident, it is true that the city suffered from a perhaps abnormal number of fires, and popular feeling was clearly inflamed by the periodic accounts of similar disasters all over the country. It would seem that *London's Flames*, *London's Flames Revived*, and *The Trap ad Crucem* type of libel excited the greatest anxiety in the mind of the Government, because they, and especially the last, played wantonly with the terrors of the credulous people. The very title of the last named—the work of Frank Smith—was sufficient to rouse all the terrors of the Inquisition, and the *Game of Trap* became as terrible a bogey to the vulgar of that age as history has any record of¹.

We have, for example, among others in Williamson's private collection of libels for 1673—a year, as we saw, of exceptional activity in this department—*London's Wonders*, printed by A. P. — a Catalogue of Eighteen Fires, all imputed to the Papists, and scattered over the entire area of London, from His Majesty's stables to St Catherines near the Tower, and from Bugg Row in the City to the George Inn in Southwark. The numerous prints of these, and of the Great Fire, hung or placed prominently at every bookseller's shop, were also calculated to add to the popular terror. In short, it became a party device to catalogue every fire in the City and send them out with explanatory notes on Catholic aspirations².

¹ So Parker (the translation called *A Hist. of His Own Time* (1727), p. 386): 'They had so familiarly accustomed themselves to these monstrous lies that at the first opening of Oates' Plot, they with a ready and easy credulity received all his fictions; for whatever he published, they had long before expected'.

² See *Jonks' Speech*, 24th June 1676, at the Common Hall: 'London has once already been burned to ashes, and firing is now become such a trade, that not only London, the Borough of Southwark, and the places adjoining, but all the cities, the boroughs, towns corporate, and places of principal trade throughout the whole Kingdom, are perpetually in danger: so that no rational or considerate man amongst us can promise himself, his wife, his children, or his State, one night's security, but they may all be devoured in the consuming flames, except some speedy and effectual course be taken'. A copy of this pamphlet is to be found in *S. P. Dom. Coll.*, ii., Case F., a collection of libels which shows how much alive the Secretaries were to the danger of these pieces.

Suspicious of the Court even, in connection with the great fire, were rife, and a curious parallel was afterwards made between the haste with which the Court was alleged to have urged on the execution of Hubert, and the same indecent hurry in the case of Coleman and Fitzharris¹.

One of L'Estrange's commonest themes — a theme of damned iteration — was the parallel between the state of affairs in 1641 and that in 1679-81. The most striking point of resemblance was the evil use by great men opposed to the Government of the 'Popish hobgoblin'. There had been a plot then—Habernfeld's—and it was admitted on all sides that Laud had then acted with some zeal.

Yet the anti-Court party revived that ancient phantom², to enflame those 'fears and jealousies' which finally flared up under the skilful incendiaries, Oates and Tonge. And this before the Fire. 'The Fear of Popery', says L'Estrange³, 'was the leading jealousy, which fear was much provoked (in 1640) by pamphlets, lectures, and conventicles, still coupling Popery and Prelacy; ceremonies and abominations of the whore; by these resemblances of the Church of England to that of Rome, tacitly instilling and bespeaking the same disaffection to the one, which the people had to the other'.

In the same work—'The sound of Innovations and of Popery, in some places goes a great way with the common people towards a sedition. They fear, they wish, they love, they hate, they know not what; and yet against this terrible nothing, shall they engage their lives and fortunes as zealously as if their souls were at stake, and as ridiculously as if they fancied these same innovations to be an army of flying dragons, and the Pope leading them on upon a hobby-horse'. He could scarcely foresee at that time that in the Pope-burnings of 1680 he himself would grace the procession in effigy with Mme. Cellier at his side.

In the *Character of a Papist in Masquerade*⁴, he has the

¹ See chap. vi., 166.

² So Roger jeeringly asked if that plot was still carrying on. *Discovery upon Discovery*, 1680.

³ *Memento* (1682), 2nd ed.

⁴ *The Character of a Papist in Masquerade* supported by *Authority and Experience* in answer to *The Character of a Popish Successor* (by Elkanah Settle) (1681), p. 50. Settle replied with *The Character of a Popish Successor Complete*, which occasioned L'Estrange's Reply to the 2nd pt. of *The Character of a Popish Successor*, 1681.

same story, this time after the event but still in the same vein. 'What are fears but phansies? What are jealousies but phansies? What original had they? Phansies again. And what was the consequence of them? Sum up the sins and calamities of the worst of people, and of crimes, those crimes and those miseries were the effect of those phansies. They were hag-ridden and nightmared with goblins and apparitions, and haunted in their beds with images of those visions and illusions which they had taken down from the Press and Pulpit, etc.'

It was on these fear and jealousies and fatally-endowed with the power to provoke, that Marvell on the eve of the Plot wrote his *Growth of Popery*, which L'Estrange ever afterwards regarded as the first link in the chain of causes which led to the stupendous madness.

'You cannot but take notice', he says, in his reply to that work¹, 'that the author of the *Growth of Popery* does upon the main, principally labour these two things. First, to insinuate the King is in some cases accomptable to his people, and secondly, to provoke the people by suggesting that their souls, and their liberties are at stake, to make use of their power'.

'From the former proposition he passes on to a florid and elaborate declamation against Popery; and when he has wrought up the figure to a height to make it terrible and odious, his next business is to tell the people that this goblin is coming in among them, and to possess the multitude with the apprehensions of a former conspiracy against our religion and government'².

Thus were the people for twenty years, and more especially since the Fire, affrighted by the hobgoblin, and no work was at all comparable—with the possible exception of *Trap ad Crucem*—to the *Growth of Popery* in the work of alarm. Oates could not have had a better author to usher

¹ *An Account of the Growth of Knavery with a Parallel betwixt the Reformers of 1677 and those of 1641*, 2nd ed., 1681, p. 13. Scott, *Dryden*, ix., 420: 'I cannot help thinking that . . . Oates and Tonge found the people prepared to receive their legend, by the previous tract of Marvell'.

² *Ibid.*, p. 4: 'The man, I confess, is a great master of words, but then his talent is that which the Lord St Albans calls matter of wonder without worthiness. . . . His excursions, many of them, are unmannerly and vulgar'. So Bohun (*Diary*, Wilton Rix, p. 40), 'A most infamous libel . . . spread and dispersed into all hands about the Kingdom to rail down both Houses of Parliament. The author is doubtless an honest Puritan'.

him in, and the hue and cry in the *Gazet*¹ for the authors and printers of the great libel merely advertised a large section of the people of the Government's duplicity and invincible Romanism.

When we come to relate the part played by L'Estrange in the Plot business, it will be found that it was not confined to the literature of the Plot. It was the means of his becoming attached to the Secretary's office, in the character of apologist and glorified spy, and later on of a species of Royal Commissioner. So that it was popularly rumoured that L'Estrange had even hopes of a Secretary's place. We noticed in its place that among his demands at the close of the Lords' Libels Committee was that he should be entered on the Commission of the Peace, his magisterial authority being, however, confined to matters relating to the Press². This was not granted so far as we know, but in 1679-80—the year of the expiry of the Press Act, and therefore of his authority—he was entered on the regular Commission of the Peace, the highest honour conferred on him by Charles II.³. It was in virtue of this new authority that he became personally mixed up in the vast entanglement of the Plot, and a rather important figure in all the succeeding troubles associated with the Whig *débâcle*. We shall find him in October 1680 as a result of his present hardihood extruded from the Commission, and some two years elapsed before

¹ *Gazet*, 1288, 21st to 25th March 1678: 'Whereas there have been lately printed and published several seditious and scandalous libels against the proceedings of both Houses of Parliament . . . these are to give notice that what person soever shall discover unto one of the Secretaries of State the printer, publisher, author, or hander to the Press, of any of the said libels, so that full evidence be made thereof to a jury, especially one libel entitled *An Account of the Growth of Popery*, and another called *A Seasonable Argument to the Grand Juries*, etc., the discoverer shall be rewarded as follows:—He shall have fifty pounds for such discovery as aforesaid of the printers and publishers of it from the Press and for the hander of it to the Press £100, and if it fall out that the discoverer be a master or journeyman, he shall be authorised (in case of tracing the proof to the author) to set up a printing-house to himself'. See also Marvell's humorous letter to Wm. Ramsden, Esq., 10th June 1678, concerning the great rewards offered in the *Gazet* for the author. Three or four printed books (L'Estrange's among others) have described the author 'as near as it was proper to go, the man being an M.P.'. Marvell, *Prose Works* (1776), i., 428.

² Chap. vii., 213.

³ Luttrell, *Diary*, i., 39, April 1680: 'Mr R. L'Estrange is made a J.P. for the county of Middlesex and 'tis said his Majesty hath settled on him an allowance; this person hath writ many things (as he pretends) for his Majesty's service, but they have caused most violent animosities amongst his Majesty's subjects, and will prove very destructive to the Protestant interest'. The 'allowance' referred to may be explained by an entry for this month in the *Secret Services of Charles II. and James II.*, p. 42, of a gift of £100 to Roger L'Estrange.

the Court had the courage to reinstate him, when he almost immediately assumed the leadership of the Tory majority in the Middlesex Justices.

Despite his previous bias to the Catholics, and his later boast of having been 'ever an infidel as to the Plot'¹, L'Estrange was not all at once proof against the prevailing madness. It is instructive, for example, to compare his treatment of two books in his capacity of licenser, the one written before the Plot fury and the other a little after the first batch of victims had perished. Dr Nalson, author of the *Collections* of 1682, and a close friend of L'Estrange from this time to his premature death in 1685, submitted in August 1677 a work called *A Discourse of the Grand Interest of King and People*, wherein he seems to have reflected as sharply on the Catholics as on the Presbyterians. L'Estrange's verdict on this pamphlet is valuable as showing the methods of a licenser 'who did not like to tamper with other men's copies'², and especially for his hint to Nalson to modify his anti-papal strictures, in L'Estrange's words, 'to sweeten the Papists'³.

In February 1679—three months before the expiry of the Act and indeed when his own deputation through the removal of Williamson had 'determined'—Dr Borlase's *History of the Evercrable Irish Rebellion* was, in like manner, submitted. Happily we possess both the licensers' letter to Borlase and the (printed) text plentifully supplied with L'Estrange's own corrections and additions⁴. On several

¹ L'Estrange, *Hist. of the Times* (1687), To Posterity.

² Chap. vii. 192. Cf. also his treatment of Dr Sam. Pordage's *Brief Hist. of all the Popists' Bloody Persecutions*, etc., *Observer*, i., 119, and Care's *Popish Courant*, v., 127. 'This gentleman was limping Pordage, a son of the famous fabulist about Reading, and the author of several libels (one particularly interlined with the paw of scurrilous Care) against L'Estrange, and violently suspected for the *Medal Reversed*'. He was Mephibosheth in *Absalom and Achitophel*, pt. ii. See Scott's note, *Dryden*, ix., 372. Pordage's work was presented for license about October 1678, 'when the Plot was before the Government and . . . he (L'Estrange) would not license anything to put the people in a tumult'. *Asaria and Hashem* an anonymous answer to *Absalom and Achitophel* (1682), was Pordage's work, though Cibber (*Lives*, iii., 346) ascribes it to Settle.

³ Nichol, *Lit. Anec.*, iv., 68-9.

⁴ *State MSS.*, 82, f. 1-2, Roger L'Estrange to Borlase 20th February 1678-9. Borlase waited till the autumn of 1679 (*Term Catalogues*, November 1679) when the Press was free, and then Roger's 'eradications' were craftily omitted in all the printed copies. But the fact that Drome published it shows some readiness on his part to meet the Surveyor's wishes. In his letter L'Estrange says: 'I was cautioned 3 or 4 years ago not to license anything upon that subject without the approbation of the Duke of Ormonde and some other of the King's ministers adding withal that the work was already committed to a particular hand and the materials furnished for the purpose. Under this obligation I do still continue,

occasions we actually find him in his MSS. notes going out of his way to add to the anti-papal fuel, which may serve to show that within three months of the critical trial of Sir George Wakeman (when Scroggs turned), the Surveyor was carried away as much as his neighbours. The point he labours in this letter to Borlase is that Charles I. must at all events be cleared of the suspicion of conniving at the Irish Rebellion, and the blame of that horror laid on the sects¹. But for the Papists, 'who have not only plotted and intended the destruction of his Royal Majesty, but the total subversion of His Government and of the true Protestant Religion within this realm established',—no mercy.

There are three well-defined phases of the 'Plot'. First the attempt of the 'Discoverers' to bring it to public notice, despite the opposition of the Court and lethargy of the Council. This period occupies August and September, 1678. Then follows the Parliamentary period, when the House of Commons set aside even the important matter of disbanding the army to discover and act in the crisis revealed by Oates' evidence. This period, October to January 1678-9, was also the period of the first and principal crop of Popish trials and executions.

Meanwhile, in the interval of the Dissolution of January and the meeting of a new Parliament in April, the Popish, or at any rate the anti-popular party, had had time to recover from the ruin of their designs, whatever these were, and then synchronising with, or shortly following the period of Plot Narratives—ushered in by Titus Oates' Narrative of 15th April 1679, designed for the meeting of the new Parliament—there appeared a small but invincible band of doubters, who began at first in a cautious and deprecatory

besides that at present my commission of licensing matters of State is determined by the removal of Sir Joseph Williamson by whose deputation I acted, but that rubb will quickly be over. Since your MSS. came to my hand I have received an order to give my opinion upon the History, the thing being taken notice of long before it was brought to me'. The other hand was Sir John Kemble, Master of the Rolls and Privy Councillor. The scandal got wind among the Faction. See *Observer*, i., 15: 'L'Estrange refused to license the *Irish Rebellion* unless he might lay it upon the Presbyterians'. Carte (*Life of Ormonde* (1736), i., ix.) no doubt refers to Borlase's work in talking of histories 'full of confusion, mistakes and falsehoods'. How critical the *Irish Rebellion* appeared in 1678-82 may be seen from Charles' action in the matter of Castlehaven's *Memoirs* which appeared 'during the heat of the prosecution of the Popish Plot, a very unseasonable time for reviving and canvassing such a subject'. (*Ibid.*, ii., 521). Hart, *Index*, p. 252.

¹ See chap. iii., 86; *Memento*, 3rd ed. (1681), p. 6.

manner to cloud the evidence of Oates and Bedloe, suggest a doubt here and a prejudice there. Of these, Roger L'Estrange was first and almost alone, from the Protestant side, in the field, and quickly became recognised as chief¹, and though we need not follow the violence of the times in calling this band the paid hirelings of the Duke, Protestants in masquerade, etc., there is little doubt that their efforts were encouraged by the Government. The popular course of elections both for the new Parliament in April 1679, and for that which met in October of the following year, led these doubting writers into a good deal of indiscreet abuse of the Citts and Bumpkins (citizens and countrymen) who determined the return of increasingly violent Parliaments. Thus they were committed not only to a 'Popishly-affected' position, but to the contemptuous and dangerous attitude conveyed in L'Estrange's remark that 'a citizen's skull is but a thing to try the temper of a soldier's sword upon'², a natural inference from that opposition to the trading classes which was instinctive on the part of the Church and Court.

The sop of a Council, composed of the heads of the Whig faction, had quickly appeared fallacious³, and either members like Temple and Halifax left the Board, or the actions of Shaftesbury were counteracted by Coventry and the creatures of the Duke. The latter, though nominally out of power, really controlled the situation. So that while on the part of Shaftesbury and the other members of the small secret committee of the House of Lords appointed on 17th November to prosecute the Discovery of the Plot, there was still a vigorous—and if any evidence can be trusted in that age, a base—prosecution of the circumstances, secret examinations, intimidation, bribery, and alleged torture, of dubious witnesses, with every gaol scoured for evidence, and the purses of the Treasury thrown open to the informer.

On the other side of the Council table, the Duke's men

¹ Scott, *Dryden*, ix., 261: 'The first effectual step taken by the Court to defend themselves against popular clamour was in the *Observer* and other periodical or occasional publications of L'Estrange which had a great effect on the public mind. But during the first clamorous outcry nothing of this kind was, or probably could be, attempted: while, on the other hand, the Press teemed with all manner of narratives of the Plot'.

² *Apology*, June 1680, p. 48, quoted in *Mr L'Estrange's Sayings* (1681), and *Assenters' Sayings in Requital for Dissenters' Sayings* (1681), p. 33.

³ Hume, *Hist. of Eng.*, viii., 96-7.

were said to be working more secretly, though by the same methods. Hence on both sides a crop of sham plots, Papist and Presbyterian, and mutual recriminations of the darkest charges of trepanning, forgery, and every form of guile, which introduce us to the sinister names of Dangerfield, Cellier, Synge, and young Tonge.

Thus the interval between the Parliaments of 1679 and 1680 was a period of unprecedented agitation on the one side, beginning with modest doubts of the truth of Oates' story, but swelling into counter-Protestant plots before the meeting of the second and more unruly Parliament. On the other side an enormous distraction was created by the device of petitioning (for a Parliament in the winter 1679-80) and one libellous pamphlet—the *Appeal from the Country to the City*—achieved a splendid notoriety in this connection¹ as besides demanding a Parliament in this contentious winter (and therein voicing the wishes of the best men of the Privy Council, Halifax, Essex, and Temple), it bitterly attacked the Church position, and the L'Estrange crew as the instruments of Popery. Like the *Growth of Popery* it demanded an answer from L'Estrange, and here it was that Roger first took the liberty of saying very natural but nasty things of the citizens of London.

During this tumult, and to some extent as the result of it², the Press had become free by the expiry of the Statute in May 1679. But even before this date newspapers devoted to the Plot on one side or the other had started up. The earliest of these was Harry Care's *Weekly Pacquet of Advice from Rome*, the first number of which appeared on 3rd December 1678³, and the last of the fifth volume in July 1683.

The *Weekly Pacquet* was scarcely a newspaper except in its regular appearance and form⁴. It attempted in a rather

¹ Scroggs at the trial of Ben Harris for publishing the *Appeal*: 'There was hardly ever any book more pernicious to set us by the ears than this'. *State Trials*, vii., 927. Hume, *Hist.*, viii., 119.

² *Heracitus Ridens*, p. 80: 'For instance, there was the Liberty of the Press, how earnestly was it contended for, the denial of it said to be a relique of Popery, Old Milton's argument and words were drest up into an Address to the Parlt. for it . . . till at last their own artillery being turned upon 'em . . . they complain of the Licentiousness of the Press'.

³ And was admitted into *Mercurius Librarius*!—a measure of the popular terror. (*Term Catalogues* for May 1679).

⁴ Like the *Observer*, Care justly pleaded that the *Weekly Pacquet* was no newspaper or 'pamphlet of News'. See his Preface to the 1st vol. 'Their clamour that it was but a pamphlet is below an intelligent man's regard, as if sense and reason were confined to folios'.

popular-learned fashion to bring the story of the Reformation on the Continent down to where Dr Burnet had started his *History of the English Reformation*, so much approved by the House of Commons and so flatteringly imprimatured by Coventry. Besides the *Weekly Parquet from Rome*, there was a *Weekly Packet from Germany*, begun on the 3rd September of this year but concluded finally in December.

J. Smith's *Current Intelligence* was also born out of time. It first appeared on 14th February 1679, and enjoyed a fitful but vituperative existence till the spring of 1682, when the Government was closing down most journals, and the fury of the Plot was expended.

Of this year also we should notice the redoubtable Ben Harris' *Domestic Intelligence*, begun on the 7th July 1679, and carried on with but one considerable hiatus till the starting of L'Estrange's *Observer* in April 1681.

To answer this vigorous Plot paper, Nat Thompson stepped into the breach on the Court side with his *True Domestic Intelligence* in the same month, and with the change of title in the spring of 1681 to the *Royal Protestant and Domestick Intelligence* continued into May 1682. Frank Smith (jocosely called Elephant Smith from the name of his sign, the Elephant and Castle)¹ did not start his *Smith's Protestant Intelligence* till 1st February 1681, nor did it last more than three or four months, but Frank made up for the omission by answering *Heraclitus Ridens* (started February 1681) by *Democritus Ridens*, and by being active in other ways². Baldwin, Curtis, and Janeway are of later date, but all in league with the 'Little Luther' of the faction, Harry Care.

This man became the natural enemy of Roger L'Estrange, the chief writer of the Loyal party. He was the owner of

¹ Also the 'Bromigham-Protestant'—so early was the name of Birmingham put to such uses! See Scott's *Dryden*, ix., p. 209.

² Such as the printing day by day of those numerous votes of this Parliament, which can only be described as democracy run mad. See L'Estrange's remarks on the same, *Reformation Reformed*, occasioned by F. Smith's *Yesterday's Paper of Votes*, 2nd September 1681. The close connection of these Papers with the Green Ribbon Club whose seat was in a sort of Carfour at Chancery Lane End, 'a centre of business and company most proper for such anglers of fools' (*Leamens*) is noted by Sitwell (*First Whig*, p. 78): 'Political paragraphs were communicated to the editor of the *Domestick Intelligence*, i.e. Ben Harris. Care, too, got his 12d. a week whilst in prison, from the G. R. C. and its members were advised to subscribe to the *Weekly Parquet*'. See *Observer*, iii., 204, 28th August 1686, where Roger has printed several 'Popo burning' resolutions of the Club, especially that (1st November 1680) in which he himself figured. 'The *Observer* can never forget the obligations he has to the G. R. C.'.

a facile pen, could depict Popish horrors with unerring judgment, and give them an air of authority by the possession of some considerable learning. Indeed, his *Weekly Pacquet of Advice*, despite its grotesque bias, is not unworthy of study as a history of the Protestant Church on the Continent. That it took with the mob is eloquent of the heated state of public opinion at the time, on the question of Popery. The grave *Weekly Pacquet* was accompanied by a single sheet of remarkable abuse and obscenity which became largely devoted to the most scurrilous attacks on L'Estrange. This part, entitled *The Popish Courant*, must have disgraced the name of Protestantism, and it is difficult for us at this distance to imagine the state of mind which could revel in the *Courant*, and be at the same time so stiff on the religious topic, if we did not remember that the mob's hostility to Rome had no connection with religion whatever, but was based on 'fears and jealousies'. Later on, when the Loyal side recovered breath, the *Courant* dropped, but the *Pacquet* struggled on—almost the last enemy to stand against the *Observer*¹.

The Plot has naturally attracted a vast amount of interest, but the literature of the Plot has almost escaped notice. This may be ascribed first to its inherent lack of literary quality, and then to its confusion and waste. Writers on the Popish crisis have perforce had to study it, but little notice has been given to the fact that the Plot was almost as much a matter of lying Narratives and Pamphlets as actual trials and executions, and that the Government was as much moved by the former as by the latter.

The first and classic Narrative of Oates already alluded to, was prepared for the meeting of the new Parliament in April 1679. This Narrative, consisting of eighty-one articles, pretended to be only an abridgment of a complete exposure of the hellish design of the Papists, and was with certain significant additions the famous document

¹ Defoe's tribute to Care's *Weekly Pacquet* in Introduction to 1st vol. of his *Review*, September 1704 (Arber, *An English Garner*, ii., 618): 'If they think that work mean and the performance dull (which the present scarcity and value of these Collections plainly contradict), it remains for these gentlemen to tell us where the meannesses are'. Defoe admitted that the *Weekly Pacquet* was the prototype of the *Review*. The Preface to the 1713 reprint of *Heraclitus Ridens* says: 'We have had not only the venom of former libels collected . . . but entire pieces reprinted, such as the *Weekly Packet of Advice*, *Popish Courants*, etc.'

sworn to before Godfrey on 27th September 1678, and submitted to the Council the following day. The preface with which it was now adorned was its most remarkable addition, and created a storm of controversy. Therein with the complete effrontery which made his Plot possible, Oates reminded the King of the attempts of the Papists for a century to embroil parties. The Papists were at the bottom of the late rebellion, they frustrated the Treaty of Uxbridge in 1645, and they sent their missionaries into Scotland in 1650 to make matters impossible there for 'young Tarquin'. Since the Restoration by 'firing and plundering our best cities and towns . . . by aspersing, deriding, exposing, and declaiming against the King's person . . . by seditious preachers and catechists, set up, sent out, maintained and directed what to preach, in their own or other climate or at public conventicles and field meetings', they render Government impossible and fire the whole nation. The late rebellions of 1666 and 1679 in Scotland with the intermittent contumacy of that country, are solely the work of peripatetic Jesuits in fanatic disguise.

The current belief that the Catholics had been singularly loyal in the late troubles and that the men associated¹ with the personal safety of the King were Papists, was rudely challenged, and that without a word of proof from a man whose statements were accepted by a large section of the nation as on a par with Holy Writ².

It was not to be supposed that the other King's Evidence would allow Titus all the honours of publication. The miserable Prance was shortly afterwards in the field with a narrative. Bedloe contented himself with a narrative³ of the Fires, and Mr Dugdale⁴ presented the nation with

¹ See Castlemaine's *Catholic Apology*, 1666, for a list printed in red letters of Catholics who suffered on the Royal side during the Civil Wars, chap. vi., 172.

² Temple's *Memoirs*, ed. 1720, p. 339: 'Though it was generally believed by both houses, by City and Country, by clergy and laity, yet when I talked with some of my friends in private, who ought best to know the bottom of it, they only conclude that it was yet mysterious, that they would not say the King believed it. Upon three days thought of this whole affair, I concluded it a scene unfit for such actors as I believe myself to be'. From a believing source (Coke's *Detection* (1719), p. 239) we are told that the King 'not only countenanced the plotters, but ridiculed the Plot'. So Burnet: In regard to the witnesses, Coke swallows them whole except Dangerfield. There is even a classic precedent for his case. Did not Cicero use Fulvia?

³ *A Narrative and Impartial Discovery of the Horrid Popish Plot, carried on for the Burning and Destroying of the Cities of London and Westminster with their suburbs, 1679-80.*

⁴ Not the Plot Witness, as L'Estrange discovered, p. 238.

a *Narrative of the unheard-of Popish Cruelties Towards Protestants Beyond Seas*. Besides these, Jesuits' Catechisms, Popish Delusions, and lying wonders 'taken out of an old book in Kent, only for diversion's sake', exposed in every bookseller's shop, made the crowd gape at the perfidy and obscenity of Rome.

As to the framing of these official narratives, we know that the booksellers had a large hand in their composition. It is something surprising to find a creature like Prance dispensing his lordly permission to printer Dormer to print his Narrative, very much in the same style a Chief-Justice would use. There was no question of the law monopoly for them. On the contrary, they set up such a monopoly in narratives and attacked so fiercely any who dared challenge it, that we have the amusing spectacle of the late Surveyor complaining noisily of the tyranny of the Press. In a small thing like this, we see perhaps more clearly than in greater, the enormous credit which these men enjoyed in the nation. It is still, however, early days with the 'Plot'.

It appeared from the deposition of another liar that Dr Oates was assisted by a small army of forty clerks¹, which seems an exaggeration, however, if we think of the security and secrecy necessary even for the 'Doctor' to practise. But it is certain that he was helped out in the composition of his Narratives by his literary friend Dr Tonge, whose long practice since 1672 in the Popish Delusions Department made him an accomplished hand. Yet Titus, if we may judge by his Trial Speeches, had a certain bold narrative faculty too. Tonge, no doubt, gave some literary finish to the Narratives, and helped them into some sort of order and coherence, besides suggesting the crude historical matter of the Preface and Epilogue, for which Oates had little knowledge, and being, as L'Estrange mischievously suggested, too young a man in 1640 to be an actual observer of Popish intrigue then.

There is no suggestion that the document which Prance handed to Dormer in May 1679 was not his very own. This narrator was gifted with a wearisome pathos, which might be called garrulity, if it did not touch a matter

¹ Young Tonge's Confessions to L'Estrange in *The Shammer Shammed*, 1682

which, in the public estimate, rendered the most prosaic setting electric.

Two other official guides to the Plot were a matter of more guile, which it was left to Roger L'Estrange to expose in his Narrative¹, an exposure of the methods of the booksellers as much as of the King's evidence. Speaking of Bedloe's Narrative, he says: 'It was my hap some three or four months since to cast my eye upon a book entitled *A Narrative, etc., Dedicated to the surviving citizens of London ruined by Fire*. I came to the pamphlet with expectation of some notable discovery, especially finding a promise in the title-page of depositions and informations, *never before printed*; but when upon the perusal, I found the narrative part of it to be taken verbatim almost out of two or three old seditious libels against the Government that were printed by stealth some ten or a dozen years ago (before Mr Bedloe's time of action) and scattered up and down in most of the public-houses upon the great roads of England, by half a score sometimes in a place, according to the ordinary methods of the Faction in such cases; I made a strict enquiry into the matter, and this was the business.

'There was a consult of three or four booksellers over a bottle of wine, what subject a man might enter upon at that time, for a selling copy; one of the company was of opinion that a book of the Fires would make a sweet touch, and so they all agreed upon it, and propounded to get some of the King's witnesses' hands to it. Naming first one and then another, they came at length to a resolution, and pitched upon *Trap ad Crucem*² and the *History of the Fires* as two books that would afford matter enough, if they could but get them put into a method, and have a certain person's hand to the owning of them. Hereupon they applied themselves to one to draw up the story, and so it went to press under his hand, all but what was printed copy, and he made several alterations, too, in the epistle, out of his own head, after it was compiled at the press. So that here are a couple of old libels turned into a new Narrative and the King's magistrates and officers declaimed afresh, and the

¹ L'Estrange's *Narrative of the Plot* is dated 1680 (*Teem Catalogues*, June 1680) probably May. But it is more a narrative of the cheats and shams of the other side than of the Plot.

² Chap. vi., 169.

menage of this scandal committed to the hands of a common calumniator. As to what concerns Mr Bedloe's evidence I have nothing to say; nor to the Papists burning the City; nor to any one point in the pamphlet which Mr Bedloe can pretend to speak to upon knowledge. But this I shall say, that there are several groundless and dangerous passages in it, and that the most inflaming and seditious of them are libels of ancient date reprinted; that it was a contrivance set out by booksellers for profit, drawn up according to their order and direction, and in an abuse in the very original intendment; the citizens and King's witnesses being only propounded as a property towards the gaining of it some reputation, and made use of to illustrate and confirm the Plot. "But what", ye'll say, "there's a mourneval¹ of booksellers upon a trial of skill in their own trades, one knave invents a story, and a thousand fools believe it". But then fearful of offending the great doctor in a vital point, "What diminution is it to Dr Oates his Narrative to say that the contrivance of the mercenary booksellers and scriveners herein mentioned are shams?"

Dugdale's Narrative was an even better instance of the trickery of unscrupulous publishers.

The first impression went off clear, with Mr *Richard* Dugdale in the title-page, as the composition of Mr Dugdale, the Witness, but the bookseller, finding the business to be smoaked, the Witness's name being taken notice of to be Stephen and not Richard, he very prudently left out the Christian name in the second impression, and made it only *Mr* Dugdale. And so it went for the Witness's again; his work being only to find out a witness's namesake by great good fortune he pitched upon an alehouse keeper in Southwark of that name to carry off his project, and the man (as I am told) is a very honest man².

At the time L'Estrange wrote the above quotation, the

¹ *Mourneval*—Murray's *New Eng. Dict.* (1) A set of 4 aces, Kings, Queens or *Knaves*. (2) Transf. a set of 4 (things or persons). L'Estrange invariably uses the term of *Knaves*.

² The profit arising from these Narratives was sufficient to seduce both witnesses and booksellers. See Scott, *Dryden*, ix., 261. *Examen*, p. 260: 'However dexterous the captain was at his pen, having published various sorts of narratives (which by the way is no small avails of a Discoverer that has the selling of the copies) she (Mrs Cellier) was as good at the sport as himself, and I think out-wrote him. The business ended in a print (*i.e.* Dangerfield's Narrative in which that scoundrel worried Lord Keeper North) to the great gain of the spark. It was no small job for the printer, for the crying about the streets, "the L. C. J. North's Narrative" in a time of such super-foetation of Plot Narratives'.

whole pack of Whig libellers were again loose, and in greater freedom than they had ever enjoyed, not merely because the Press Act had expired but because the Government was as yet powerless to interfere, and when a month or so later Scroggs and his brethren did interfere, we shall find it makes part of the matter for an impeachment of that venal judge. The London citizen, as he walked abroad in the morning, had half a dozen True Protestant Mercuries to greet him with the discordant cries of the hawkers¹, while Nat Thompson's presses were turning out no less immodest and numerous a spawn of Popish or 'Popishly-affected' broadsheets.

It was not until the conclusion of the July trials of Sir George Wakeman² and Corker that the whole fury of the Protestant tempest broke forth. It was this storm that brought L'Estrange to the fore as the ambiguous champion of sanity and moderation. This famous trial, by which, in Burnet's words, 'witnesses saw they were blasted', occurred on the 18th July 1679. It has been observed that it was as much the Queen's trial as her physician's. That Scroggs had been tampered with by the Court, seemed apparent to the mob from the outset, and his summing-up appeared far different from his usual invective manner in these trials³.

Bedloe, too, had made a bad stumble when, on being admonished that his evidence on hearsay that Sir George Wakeman was to 'take off' the King was no direct evidence, he hastened to amend it by affirming that Sir George told him himself⁴.

Oates' evidence was, of course, subject to suspicion of its being an afterthought, as Wakeman's name had not appeared

¹ *Gazet*, 1432, 7th to 11th August 1679.

² *Evening*, p. 185: 'Posterity will wonder two things, (1) that such an evidence as this against Wakeman should be admitted to sustain a charge of high treason; (2) that upon a solemn examination it should bear so much altercation as it did'.

³ See Roger North's contemptuous portrait of Scroggs. *Lives*, i., 196. 'Oates coming forward with a swinging popularity, he as Chief-Justice took in and ranted on that side most impetuously'. He probably did not need North's advice to make him play his politic part at the Wakeman trial. L'Estrange had the doubtful honour to run with Scroggs in the course now to be set them by 'their evidence-ships'. Only Scroggs stayed while Roger fled. See *A New Year's Gift for L. C. J. Scroggs* where his tender treatment of the evidence in Coleman's trial is contrasted with his rigour to Oates in Wakeman's. 'The conduct of the Court on the two occasions', says Mr Pollock (*Popish Plot*, p. 310), 'was perfectly consistent'. It was certainly consistently partisan.

⁴ 'Whereupon' (*State Trials*, vi., 643) 'Sir George said privately to his fellow-prisoners, "There is my business done"'.

in that proscriptive list which Oates had declared final and inclusive before the Council in 28th September, 1678¹.

Before we remark on the effects of this remarkable verdict on the popular mind, it may be well to describe what was done on the other side. For Wakeman's trial, more than any other, put life and courage into a despairing party, and the result was a new reading of the Plot and the trials, from a more openly sceptical standpoint². As has been said, no man better or more courageously presented this view from the Protestant side than L'Estrange. His *History of the Plot* was a first nervous attempt in this direction³. This work is in the Michaelmas *Term Catalogue*, and was probably published in September 1679. In Harry Broome's *Booksellers' Advertisement*, 27th February 1679-80, beginning, 'Whereas there are several discourses and pamphlets abroad in the world that passe for the writings of Mr Roger L'Estrange, wherein he never had any hand at all, etc.', it occurs second in the List, since September 1678, and it preceded Roger Palmer's Narrative published in October 1679, by only a few days, so that Roger had a survey of all the important trials of the year. Although we have entered this work in the list of sceptics, one must not look in it for anything more daring than hints and glances. Like many a more famous work, it observed so much caution as to be mistaken by both sides, and to incur the anger of Oates along with that of Castlemaine⁴. Six years later, the author described the methods which alone

¹ *A New Year's Gift*, etc.—Scroggs—'Mr Oates, Sir George Wakeman urged it right, that he should not have been permitted his liberty so long, if you had charged him home then'. This is the occasion when L'Estrange's father-in-law, Sir Thos. Doleman, Clerk of the Council, attempted to shield Oates.

² Defoe, *Review*, vii., 297. 'A party of men appeared, who began with ridiculing the Plot'.

³ Sir Sidney Lee (art. L'Estrange, *Dict. of Nat. Biog.*) says the History was a mere record of Trials, but its sinister attempt to be fair to the Plot victims is apparent on the surface. So thought the King's Evidence.

⁴ See his *Compendium of the Plot*, 1679. 'The author of the said History has past by or slubbered over several things which the parties concerned may justly insist upon to be of force in their business'. There is an *Histoire de la Conspiration d'Angleterre, traduite de l'Anglois du sieur L'Estrange par L. D. L. F.* à Londres, chez R. Bentley au Commun Jardin en Russellstreet, etc., 1679, dedicated to Ormonde, in which the translator champions Roger against 'l'auteur d'un certain Libelle public sous le titre de *Compendium* (qui) le traite de Phanatique', and the Nonconformists who 'le veulent faire passer pour Catholique Romain'. As for L'Estrange, 'il est généralement connu non seulement pour un très honnête homme, mais aussi pour une personne très capable. Il est officier chez le Roy et outre cela nommé pour revoir les ouvrages qui s'impriment, pour donner la permission de les mettre au jour'.

were possible in these months to the sceptic desirous of inculcating the public mind with his doubts.

'The witnesses led the rabble, the plot managers led the witnesses, and this was the state of things when I first dipped my pen into this subject, and there was no launching out into the abyss of the Plot mystery without certain ruin, but coasting and slanting, hinting and trimming was the best office a body could perform in that season—a little skirting now and then upon the Narrative, and bantering betwixt Jest and Earnest upon the credit of the witnesses, gave people little by little to understand as much as any man could safely communicate, but the foundation of the Plot lay as yet untouched, the patrons and vouchers of it remained sacred, and for a long time there was no meddling with a vote without burning a man's fingers. . . . But since it hath pleased God by a beam of Providence itself to light us into all the intrigues and recesses of it . . . I thought I could not do better than to lay hold of and to improve this opportunity of tracing it from the labourers and the journeymen to their principals'¹.

In his *Freeborn Subject*, written immediately after *The History of the Plot*, when he was smarting under an unsuccessful application for Sir John Birkenhead's post of Master of Faculties relinquished by death, he leads up to the circumstances of the publication of his *History* with the old story of his thirty years' labour for the Crown, his imprisonments and fortitude, a sure sign with L'Estrange that he was in low water, and now, 'the bread taken out of his mouth, and a large proportion shared amongst some of those very people that pursued his late Majesty to the block', is a sad commentary on the expiry of that Act which terminated his licensing gains².

As to those circumstances, 'reflecting on those errors (in the Printed Trials and Narratives of the Devilish Plot) together with the almost inextricable difficulty of retrieving the truth out of such a confusion of tautologies and forms, the collection being so bulky, too, and the particulars lying

¹ L'Estrange, *History of the Times* (1687), and the *To the Reader* introduction to the 3rd Book of *Observations*.

² *Ibid.*, p. 41: 'I defy any man to produce another gentleman in the King's Dominions under any circumstances that has suffered so many illegal, arbitrary, and mean Injustices from any abusers of the King's bounty'. His enemies were quick to see in these words an echo of the old Cavalier, insurgent complaints of the *Caveat*, 1661. See *Assenters' Sayings* (1681), pp. 32-3.

so scattered, that it was next to the work of Resurrection to set any part in its right place, I betook myself to my friends, my thoughts, and my papers, and digested the whole transaction into an historical narrative. And not in dialogues, neither, nor in words, neither of the Bench, the witnesses nor the prisoners, but in my own style and way, just in the same fashion as I would tell the story. This book I entitled *The History of the Plot*, and made legal assignment of my right to a bookseller. I authorised him to print it, and he imprinted it by the authority of the author; some of the Pretenders to the former trials arrest my bookseller as an invader of their propriety¹, and threaten him most wonderfully into the bargain. He puts in bail to the action, and there the squabble rests. They do not complain of any imitation of their copy, but take upon them as if no man else were to write upon that subject. At this rate, we shall have all sermons forfeited to the King's Printer, for descanting upon their Bibles, and all books whatever to the company of stationers because they are made out of the twenty-four Letters, and the A B C is their copy. What a scandal is this to the commonwealth of letters, what a cramp to learning and industry that if I have a mind to compile a history, I must go to forty little fellows for leave, forsooth, to write a Narrative of the proceedings upon our blessed King and master, the brave Earl of Strafford, or the Archbishop of Canterbury. If a body would draw up a system of treason and sedition, must he go to the publishers of Bacon's *Government* for a license?

When he urges the merits of his *Plot History* over the others he is on surer ground. It was sold at half a crown, which was eleven shillings less than the official publication of the Trials. The fact that it was only a sixth of the bulk of that publication was very much in its favour. But

¹ The question of Property Rights in the Trials is important. Scroggs, October 1679, wondered 'by what authority that Arbitrary Power was assumed to forbid any friend of mine the seeing of it', i.e. the printed trial. The Lords' reversal of the judges' decision in 1668 had left Edward Atkyns sole law patentee, but now in the freedom assumed by the press, property rights shared the general disorder, and the judges began later to share in the plunder. By assiduous tavern courting of witnesses like Dangerfield, mean printers got possession of their lordly *imprimaturs*. Viner, *Abridgment*, xvii., 207: 'In arguing the case of printing Roll's Abridgment being licensed by the Judges, it was insisted and admitted by the counsel of the Patentee in Parliament (1) That this grant is no publick grievance. (2) That the stopping the Impression, though licensed by the Judges, is justifiable. (3) That the Law-Patentees may not print law reports without the Judges' License'.

his claim to have omitted nothing, and made good the defects of the official trials, was subjected to a good deal of abusive denial. As the most critical aspects of the Plot are either heightened or suppressed according as the writer believed, a further examination of the points charged against L'Estrange's *History* and the things charged by him and Castlemaine on the other writers, focus the main disputes of the mystery.

The clever Epistle to the Reader, which is an accomplished model of 'hinting and slanting', at the same time shows a certain consciousness of the magnitude of the Plot mystery in English History—a feeling absent from almost all other contemporary references and narratives. We should read this, too, remembering that it is almost, though not quite¹, the earliest attack on the Oates' Plot by innuendo, omission, and addition. Incidentally it proves the existence of a more considerable body of sceptics than one would at first imagine.

'There has not been any point, perhaps, in the whole tract of English story, either so dangerous to be mistaken in, or so difficult and yet so necessary to be understood as the mystery of this detestable Plot now in agitation (a judgment for our sins augmented by our follies).

'But the world is so miserably divided betwixt some that will believe everything and others nothing, that not only truth, but Christianity itself is almost lost between them, and no place left for sobriety and moderation. We are come to govern ourselves by dreams and imagination; we make every Coffee-house tale an article of Faith, and from incredible fables we raise invincible arguments. A man must be fierce and violent to get the reputation of being well-affected, as if the calling of one another damned heretic and Popish dog were the whole sum of controversy. And what's all this but the effect of a popular license and appeal?

'When every mercenary scribbler shall take upon him to handle matters of Faith and State; give laws to princes and every mechanic fit judge upon the Government. Were

¹ Earlier sceptical treatment of the Plot is to be found in Nat Thompson's *True Domestic Intelligence*, which started in the wake of Ben Harris' *Domestic Intelligence* (1st No. 7th July 1679). The Wakeman trial was on the 18th July, but Nat is very diffident in his references. There was also a *Nöber and Seasonable Queries* early in 1679, which took a very decided view of the rascality of the witnesses. *The Observer Praised a Trimmer* gives a capital summary of the various onslaughts on the Plot fabric from 1679-1684.

not these the very circumstances of the late times¹, etc.? . . . These things duly weighed, and considering the ground of our present distempers, the compiler of this Abridgment, reckoned that he could not do his countrymen a better office than by laying before them the naked state of things, to give them at one view a prospect both of the subject matter of apprehension, and of the vigilance, zeal and needful severity of the Government on their behalf. To which end he hath here drawn up a historical abstract of the whole matter of fact concerning those persons who have hitherto been tried for their lives, either upon the Plot itself or in relation to it, opposing authentic records to wandering rumours, and delivering the truth in all simplicity. He hath not omitted any one material point; there is not so much as one partial stroke in it; nor a flourish, nor anything but a bare and plain collection, without any tincture either of credulity or pashion. And it is brought into so narrow a compass, too, that it will ease the reader's head as well as his purse, by clearing him of the puzzle of forms and interlocutories, that serve only to amuse and mislead a man by breaking the order and confounding the relative parts of the proceedings.

'Having this in contemplation, and being at the same time possessed of a most exact summary of all passages here in question, this reporter was only to cast an extract of these notes into a method, especially finding that upon comparing the substance of his own papers with the most warrantable prints that have been published, his own abstract proved to be not only every jot as correct, but much more intelligible, which, being short and full, he thought might be useful, and find credit in the world upon its own account, without need of a voucher'.

In this epistle, L'Estrange very clearly set forth the position of the clergy and the Court. Admit only so much of the Plot as is visible in Coleman's letters; decry violence or comment in the course of the trials, and fall foul of the liberties and indecencies of the sectaries, who encouraged by the expiry of the Press Law, and animated against the bishops by their refusal to yield their claims to act as judges in treason trials, and in the case of Danby in particular, indulged in anti-episcopal language, besides which the old

¹ *I.c.*, The Civil War. Cf. also Justice Dolben's speech, *State Trials*, vi., 704, quoted p. 245.

Conventicle libels paled. Burnet takes this to be the moment—that is, the prorogation and subsequent dissolution of the Short Parliament of 1679—of critical division in the Church, the more violent party siding with the Court, and crying up the parallel of '41, the other foreseeing a real danger of Popery and setting themselves soberly to 'rescue the Church from those reproaches that the follies of others drew upon it'¹.

It was at the beginning of Michaelmas term, 1679, and therefore in the very midst of these conflicting narratives, that Scroggs and his brethren showed by certain extraordinary speeches on the license of the Press how badly they had been hit by the attacks on their conduct of the Wakeman trial². If nothing remained of the venal judge but his speech on this occasion, he might well be thought a dignified upholder of justice, which 'should flow like a mighty spring, and if the rabble like an unruly wind blow against it, it may make it rough, but the stream will keep its course'.

It is true there is no Press Law, but 'Let their brokers, those printers and booksellers by whom they vend their false and braded wares, look to it. Some will be found, and they shall know that the Law wants not power to punish the libellous and licentious press, nor I a resolution to execute it'³. Whilst affirming the Plot, Scroggs took the line already laid down by L'Estrange, and for which both were brought near ruin, that 'No Act of Oblivion ought to make us forget by what ways our late troubles began, when the apprentices and porters mutinied for justice in their own sense'.

Mr Justice Dolben, who spoke next, struck the same note. 'I am old enough to remember (and perhaps feel the smart of it yet) the beginning of the late Rebellion (for a Rebellion it was, and deserves no other name). I know it had the forerunner of such libels and scandals against the Government as this is'.

¹ Burnet, *Own Times*, ii., 221.

² *State Trials*, vii., 702-6.

³ This temperate speech was of course interpreted into dreadful menaces by the Protestant rabble. See *A New Year's Gift* already quoted, p. 3. 'With scurrilous threatenings and clinching his fist at them (the booksellers and scribblers) as many of the standers-by observed, with such furious language that they likened him to a bear robbed of her whelps'. It seems from this account that Press Messenger Stephens shared the Judges' anger. 'Sarah! you have been conniving and tampering'. See Lord Ashburton's speech, 6th December 1770 (*Parl. Hist.*, xvi., 1277).

One formidable 'scribbler' immediately took pen to express the party's indignation against the writer of the abridgment of the trials. The 'little dirty pug Harry Care', accused of being the veriest hack of the booksellers, the compiler and first begetter of numerous Plot Narratives, and the learned if scandalous author of the persistent *Weekly Pacquet of Advice from Rome* and *Protestant Courant*, issued his *Damnab! Popish Plot*¹, in the epistle of which he attacked L'Estrange by name with great ferocity. At the same time, or shortly after, two other combatants were breathing out threatenings against each other. We have already mentioned King's Evidence Miles Prance, and his (May 1679) narrative of the Godfrey murder. After dark and notorious passages in Newgate, Prance had been called upon to swear away Ireland's life in the May trials, and to attempt Wakeman's in July. Roger Palmer, in following L'Estrange's *History* so closely as has been observed, took occasion to riddle his tortured evidence, and Prance perforce uttered a feeble and irrelevant reply on 17th October 1679.

Thus there was in this month—the month also of the famous *Appeal from the Country to the City*, and of the petitions for a Parliament—a quadrilateral duel over the truth of the King's 'evidence'.

Care's attack on L'Estrange in the preface to his *History of the Damnable Popish Plot* is as worthy a piece of invective as exists in the language. His long and ambitious history takes up the thread of narrative from the Reformation, and by inference convicted King, Court, Lords, and Bishops of an affection for Popery, arraigned the Judges for their conduct in the later Plot trials, and appealed to the approaching Parliament for judgment. He attacks L'Estrange's *Brief History*, because it omits the trials of Staley, the Popish banker denounced by Carstairs, the first to suffer, and Reading, who attempted to suborn Bedloe to mitigate his evidence against the Popish Lords in the Tower. To these charges Roger had the very good answer that the

¹ *The History of the Damnable Popish Plot* (anon.) 1680, 8vo. A second edition appeared 1681. This should be distinguished from *Popish Damnable Plots against our Religion and Liberties*, which may, or may not, have been Care's. We know that John Phillips, Milton's nephew, collaborated with Care in the production of these narratives. Hence L'Estrange's enmity. See p. 330. Lingard (*Hist. of Eng.* (1854), ix., 208) seems to imply that Care had some sort of Parliamentary commission to write his *Damnab! Popish Plot*, 'for the instruction of the people'.

case of the former lay outside the broad track of Oates' Plot, and Reading was not brought in for his life. Care was now ready for the vengeance of the Court, which overtook him in the sentence of Scroggs in July 1680.

But the real front of Roger's offending was, as we saw, that he had conspicuously indicated the slippery places in the Plot mystery, where, but for a good deal of winking and collusion, the whole business had gone to pieces. He did not yet dare to hint that Shaftesbury was behind the scenes in Newgate, and working as earnestly as any, at the patching-up and rehearsing of the Plot story, drilling the various witnesses in the parts to which they were driven by what amounted to torture or bribery.

But he cast a glance at the idle rumour that Prance had to be assisted to the witness-box by copious and long-continued threats and actual brutality. The treatment of this wretched being was afterwards to engage his closest scrutiny. In the meantime, he hinted the doubt and passed on. Not so the anonymous Castlemaine. This Catholic nobleman took greater risks for his fellow religionists than any other person, and in the event stood a trial for high treason¹. But at the time when in his *Compendium of the Plot History*, he exposed the evidence of the wretched Prance, he was merely known as a faithful frequenter of the trials, and a bold encourager of Oates' unfortunate victims².

He had been responsible for the most formidable attempts to break down the Plot evidence by introducing, and

¹ Mr Pollock (*Poish Plot*, p. 360) says: 'The acquittal of Lord Castlemaine is chiefly important as an episode in the infamous career of Dangerfield'. But it is clear that he had a much wider importance from 1666 onwards. However contemptible on the score of his Countess, he showed remarkable perseverance and courage for his religion. His *Compendium* is to be distinguished from *The Compendious History, &c., with an account of the Plot*, erroneously ascribed to L'Estrange in the Bodleian Catalogue.

² Dangerfield's *Narrative* (1680), p. 23: 'The next day I went to wait on the Lord Castlemaine, whom I found in his study writing the *Compendium*, and I had time to read some part of a paragraph'. Castlemaine, the 'witness' continues, was very wroth with him for not acting sufficiently boldly in the work set him by Mrs Cellier and himself, *i.e.*, the murder of Shaftesbury. His chief duty, however, was to frequent the factious coffee-houses, and 'scatter daily reflections and Nevile's (*alias* Paine) libels'. Castlemaine's book bore no printer's name, but the printer lay in gaol for it several months, by order of the Council. As to Castlemaine's management of the witnesses, see his trial, 23rd June 1680. 'My Lord', said the Attorney-General, 'these persons my lord Castlemaine had the management and instruction of at that time, and all along at the Old Bailey my lord C. was present there, and did countenance these persons'. Castlemaine was also remembered as the writer of the *Catholic Apology*, 1666. See chap. vi., p. 167.

managing the thirty young witnesses from St Omer's, to prove that Oates was not in England in May 1678. This despised and ridiculed evidence he reintroduced into his *Compendium*¹, with Certificates from the principal of St Omer's and the municipality of Liege. He brought forward as a proof of their innocence the firm behaviour and dying speeches of the victims, and at every point where popular credulity was strained by the evidence, he applied a bitter criticism to their exposure. Prance offered the best attack as the weakest link in the chain. He had been brought in at the moment when for want of more evidence, the Plot was in danger of breaking down. The story of Godfrey's murder was a main pillar of the Plot.

There are many touches in Castlemaine's *Compendium*, which recall L'Estrange's *History*, and since the author refers to the anticipation of his publication by L'Estrange, it may be taken that he earnestly studied Roger's work before committing his own to the Press. But as has been observed the extent and timidity of the ex-Surveyor's 'slanting and hinting' may be judged by Castlemaine's preface, in which he confounds L'Estrange with the other writers of narratives².

As to Roger's *History*, with the exception of the prefatory epistle, which certainly is brave, it is difficult to see anything in it beyond a few innuendoes and additions which could raise the ire of either Oates or Care. But it is clear that he was marked out with Castlemaine for the vengeance of the Party. He was not, however, the man to be frightened off the course by the Doctor's coffee-house threats or Care's increasingly scurrilous note in the *Courant*. His *Freeborn Subject*, which finds a place in the same *Term Catalogue* as his *History of the Plot*, i.e., Michaelmas, 1679, is a very spirited defence of his conduct, with the warfare carried into the enemy's country in the case cited of the old libel *Omnia*

¹ *The Compendium, or a Short Review of the Late Trials in relation to the present Plot* (anon), 1679. Castlemaine may also have been the author of that *Vindication of the Catholics* noted by Dangerfield and ascribed by him to . . . Dormer (*Narrative*, p. 17) referred to by Anthony Wood as soon suppressed. See Harris' *Domestick Intelligence* for 24th September 1679. An order for seizing the *Compendium*, its author, and printer.

² See Anthony Wood's copy of L'Estrange's *History*, in the Bodleian (in MSS. 'collected and written by R. L'Estrange, 2s. 6d.'). By authority. Written on flyleaf: 'He that was the author of this book was the author of another entitled *The Freeborn Subject*, London, 1679. 4to. Printed in September. This came out soon after Sir George Wakeman's Trial'.

*Comesta a Belo*¹, long the favourite of the fanatics, and a speech delivered by Lord Lucas in the late Parliament, in which the noble lord ventured not only to denounce the Duke, but to hint at the King's lukewarmness towards the Plot. 'Supererogation' is the term L'Estrange would rather apply to Charles' conduct.

A glance at the *Term Catalogues* of this year (1679) and the next will illustrate almost better than anything else the agitations of party at this moment. L'Estrange's license to the Catalogue was not needed after Trinity term, 1679, and accordingly Clavell, always eager to increase his profits, threw wide his lists to every kind of writing. There is, for example, in the Michaelmas and succeeding issue one huge class of the *Privileges and Practice of Parliaments* type, dialogues between barristers and jurymen to assert the right of petitioning. Here are Petyt's Collection of records to prove that 'the Commons of England were ever an essential part of Parliament', and numberless attacks on the Bishops' right of judging in capital cases. There are not lacking eloquent appeals on the royal side of the argument, whilst Strafford's case serves anew for political ammunition.

Side by side with half a dozen Plot Histories and narratives we find in Clavell's Catalogue a very determined growth of clamant Dissent, the party which alone stood to win by the pursuit of the Plot. Here are Nonconformist Pleas, the works of Baxter and Calamy, and even Quaker's Pleas, enough to drown the old persecuting voices. Burnet, as we saw, takes the vote of the Commons on 10th January 1681, for a toleration to Dissent, as the climax of Nonconformist hopes, and certainly the vote was trumpeted forth by every little writer of their party. But it was also the signal for a general alarm, and disgust of the party which was pushing its claims so insolently at a time² of

¹ First published after the fire, probably in 1667 and now (1679) reprinted. Roger makes some excusable play on the printer's error '*a Bello*', the '*Bellum*' being the war waged by the Faction against their King. See Wood, *Life and Times*, ii., 458, 'only Roger L'Estrange answered it in the *Englishman's Birthright*'.

² See the *Dialogue between the Pope and a Fanaticke*, and a *Scholar Discourse of the Honest Cavalier with the Popish Carcarter*, both printed for Harry Brome, 1680, and admirable as a summary of the general affronts offered by the mob to the local gentry and clergy at elections, and for cases of Church desecration, etc. In the latter, pages 8 and 9, there is cited the case of a Church at Rotherham in East Anglia, where the 'Living indeed is an appropriation and managed by Fanaticks, these religious banditti'. It is not so well-known that the High-fliers and Tantivies of that age repudiated the name Protestant. L'Estrange, their guide, discovers this indiscreet dislike in a dozen places, and the Cavalier in this

danger. Whether this be so or not, it is certain that even before the meeting of the Oxford Parliament, the battle was half won for the Crown, and L'Estrange, 'the manager of all those angry writings', and then an exile, was entering into his inheritance, and the perishable gratitude of the Church.

To return to the Oates-L'Estrange duel of the winter 1679-80, we find that the latter followed up *The History of the Plot* by a *Further Discovery of the Plot, with a letter to Dr Titus Oates*, and *Discovery upon Discovery*, the former in January 1680, at the same time that he was busy with a translation of Cicero's *Offices*, and the latter the work probably of March 1680¹. These works carried the quarrel with Oates to the breaking-point. In all companies, in the taverns he frequented, and even when they had met casually, Oates' 'Rogue and Papist' was forthcoming, and 'we shall have a Parliament' added in his frown.

The peculiar annoyance of these works to Titus was that the author fastened on that passage in his Narrative, where the Doctor charged the Papists with being at the bottom of all the late troubles disguised as Fanaticks.

Accepting this statement ('as who dares deny what the Doctor avers?') with obtuse logic, L'Estrange in his letter to Oates, urged the rooting-out of all priests and Jesuits 'by such ways and means as would naturally arise from the reasons and his depositions', i.e., by the means of the shortest way with the Dissenters.

In his *Discovery upon Discovery*, Roger pursued this slight advantage, and had he kept to this cue, 'grounded upon Oates' evidence', it might yet have been well with him, but he now, though not for the first time, took upon himself to commend the Catholics in rather warm terms, reminding himself and his readers of certain passages in his own life, where both in England and in exile he had experienced Catholic hospitality². This generous, but dangerous, warmth he repeated several times, neglectful of the danger of such warmth in one who scrupled the word 'Protestant'.

'I do at this instant avow to the world, that I never met

pamphlet 'ingenuously gives his reasons why he has a singular disgust against the word Protestant'. As to the contempt of the clergy—'After the last election (1679) they did openly boast in streets and coffee-houses that they had now a Parliament that would make the clergy leave off their surplices, and they hope now to see the day when their gowns should be pulled over their ears'.

¹ See Appendix i.

² He refers (p. 30) to his eight-months' stay in the house of Cardinal van Hesse in 1651, 'where I was as kindly received as if I had been at my own father's'.

with any people since I was born of more candour, generosity, or in a word, of better morals, than among the members of the Church of Rome'. He could scarcely complain when he found that people who 'by the ties of nature, honour, and good manners, ought to be tender of what they say', and some 'whom he could scarce see without an embrace, stabbed him with this poisoned dagger'—the scandal of Popery.

But the 'Salamanca Doctor's' fury was more to be feared both in the case of Castlemaine and of L'Estrange. Although the former's name was not included in that list of such noblemen and gentry as are in this Conspiracy, *whose names occur at present* the last significant phrase in this proscription gave sufficient latitude for the trial of Castlemaine in May 1680. This trial is chiefly interesting for the evidence it affords of the further turn of the tide, and the effect on Oates' mind of those stinging and sceptic narratives which we have noticed. 'My Lord', said Castlemaine, 'I have for a long time wished for this day, and your Lordship may very well remember it. The reason why I have so much desired a trial is because I thought it means, and the best means, and the only means to show to the world my innocency'.

By this time, Mrs Cellier, the Popish midwife, agent for Lady Powis, had appeared on the scene, ushered in by Dangerfield's treachery, and the discovery of what goes by the name of the Meal-tub Plot. Into this matter we need not enter more fully here than to say that Mrs Cellier's business was to be used for the ruin of both Castlemaine and L'Estrange. The former was now acquitted, but vengeance was being prepared for L'Estrange—a vengeance delayed both in the hope of a Parliament which could not now be long withheld, and because Roger was too 'plot-learned' to provide such matter as even a Protestant jury would listen to². Pictures we have in the interval of the amenities practised between Oates and L'Estrange. They are almost all of the tavern school, the doctor's spacious 'by the toe of Pharaoh' oaths, actual encounters with L'Estrange, a crowd of supporters on either side and the name of Traitor flying between them. But one more particular gem will perhaps bear quotation here.

¹ *Apology for the Protestants*, 1681 (*To the Reader*).

² *Evening*, p. 271: 'But the old knight was so plot-learned that nothing would fasten upon him'. *Lives of the Nobles*, i., 291: 'As for open opposition by pamphlets (to the "Plot") there was enough published by some Catholics . . . but the attempts were cried out upon as so many instances of shameless impudence, pretending to prove false what the community were resolved should be true'.

In *Zekiel and Ephraim*, written in October 1680 when matters had come to a crisis, and a Committee of the Privy Council was actually sitting on Roger's writings, he complains that Oates threatened him with a Parliament, 'but that is a course of speech he has got. If the prisoners but ask a newcomer for his garnish or foy, the Master of the Prison shall be told of a Parliament. A Bishop shall not suspend a Minister for refusing to officiate according to the canon, but he is presently threatened with a Parliament, if the University shall not think fit to allow Mr Oates his degree, the lawn sleeves are to be ruffled next Parliament. I was walking awhile since only across the outer Court at Whitehall, innocently upon my business, and because I did not cap him over the square, as the boys do Fellows in Cambridge, Squire L'Estrange (says he) We shall have a Parliament, twisting his hat about betwixt his finger and his thumb with a look and action not to be expressed'.

Next to the Meal-tub Plot, perhaps the most dangerous attack on the Popish Plot, was the confession in this year of Simpson Tonge, son of Dr Tonge, the scribe and manager of Oates. Early in the year this young man stated before the King in Council that the whole plot was an imposture, that he was employed with others in helping it out, and that his father and Oates concocted the letters known as the *Windsor Pacquet*. His testimony was a windfall to the Court, and might have enabled that party to face a parliament with equanimity. Whoever built on Simpson Tonge, however, was building on sand. The effect of his unnatural exposure was that his relatives cut him off; and from one of his subsequent confessions, we learn that the Faction, through his uncle and Stephen Colledge, the Protestant joiner, made use of the Court's imprudent neglect to supply his wants, leading him on to a course of alternate retraction and affirmation, which must be without a parallel even in the Plot mystery. He was well described as a Fireship, who would ruin whoever had anything to do with him. Roger L'Estrange, for his sins, was one of the earliest public men hauled into his net¹. So early as July (says one informant) Tonge had

¹ See the full quotation from *Examen*, p. 271. Also L'Estrange's own account in *The Shammer Shammed*, 1682; *H.M.C.*, app. ii. to 11th Rept., pp. 246-9; and Tonge's narrative dated 10th December 1680 (though 'held up in lavender' for the Oxford Parliament).

L'Estrange in his thoughts as a person likely to give good evidence against his father in connection with the seditious passages in old Tonge's *Royal Martyr*, which Roger had, with much deprecation, refused to license. In the middle of August, it was publicly given out that the unnatural son was wavering in his charges. He was then at Windsor, and in extreme poverty. His uncle, Capt. Tonge, now approached him, and for a time relieved his necessities.

In September, however, still hankering after superior honours, the young man seems to have expressed a wish to see L'Estrange. If we can trust the latter—we certainly cannot trust Tonge—it was Newcombe, the printer of the *Gazet* (now also advanced to the post of King's Printer), who took the ex-Surveyor to a certain French physician, Mons. Choquex, who had then charge of young Tonge for a cure, ostensibly to learn from the doctor certain memorials of Prince Rupert's actions in the war in Flanders. Without doubt the meeting was arranged, and Choquex's information was a blind. As to Tonge's confidences to L'Estrange at this meeting, they amounted to little more than 'a nonsensical story of the privacies that had passed betwixt Oates and his father, certain papers concerning the Plot that were written in Greek characters, and hid behind the wainscot; and a foolery of one Green, a weaver, that meeting his father in the Court of Requests, told him for news (and without any knowledge of his, too) that ere long there would be a Popish massacre, whereupon (says young Tonge) my father made an acquaintance with him, and out comes the Plot'.

Besides Choquex, Tonge had about him a certain Capt. Ely, a kind of go-between and stage-manager for this tragic farce, though in the event, so far as L'Estrange was concerned, an honest enough man.

Whether the whole thing, as Roger surmised after, was a device of his enemies rendered desperate by the failure to bring Castlemaine to book, and that just before the meeting of Parliament in October, it is certain that the whole town was in September full of the rumour that L'Estrange was at last a dead man—he had attempted, like Reading, to tamper with the King's evidence.

Oates' formal complaint to the Council against Ely and Choquex—who fled—brought in Roger L'Estrange

as a third man. It was in vain that (4th October) he hurriedly pressed from Ely and Choquex affidavits to the effect that he was only recently known to Ely and introduced to Choquex by Newcombe for literary purposes, that he had rather avoided Tonge's confidence, and warned the others against having anything to do with him. The matter, planned for the meeting of Parliament, had now gone before the Council, and L'Estrange was in the toils.

The temper of that Parliament may be best judged by a perusal of its severities to all grades of Catholics, its proscriptions, and by the lamentable death of Strafford, but also on the other hand by its fatal leniency to the Dissenters. All historians are agreed that the Lower House far overstepped the boundaries of its authority, and scarcely even in 1640 was this overweening temper more manifest. The Council, though purged to some extent of the popular element introduced in April 1679, was forced to bend to the storm, and to seem to encourage those attacks on individuals which Oates, now happy in his Parliament, preferred. Scroggs and L'Estrange were two of the chief malefactors. The Council of the 6th October afforded parties an opportunity of confronting each other. Dr Oates and the Tonges, father and son, were there as accusers¹.

Mme. Cellier, fresh from the pillory, and L'Estrange, in humiliating association with her, were there. Justice Orlando Bridgeman, once the friend of L'Estrange, was present apparently as Oates' counsel. Young Tonge's charge of subornation against L'Estrange, penned in Newgate, was handed in. 'Very high words passed between Dr Oates and Mr L'Estrange, the latter telling the Council that Dr Oates' took the liberty to call him a thousand times Rogue and Rascal, which the Doctor owned, saying he would prove him to be both, and desired he might be secured'.

The Whig newspapers of the 7th October make gleeful and circumstantial report of the matter, not forgetting to brace up Roger and Madam together, but omitting Oates' threat of a Parliament.

'The paper of young Tonge's Sham-Plot' says Hancock's

¹ Luttrell, *Diary*, i., 57, October 1680. 'Mr L'Estrange was before the Council, being accused by young Tonge, but he going backward and forward in his accusation, and His Majesty's speaking well of Mr L'Estrange, he was acquitted'. See also *Cardinal and Puritan in the Days of the Stuarts* by Lady Newdigate-Newdegate (1901), p. 111.

paper (an old enemy at the Libels Committee), 'being seized, Mr L'Estrange and Mrs Cellier were summoned, but they denied they knew anything of it, but Mrs Cellier would not stand to it, by reason of the many bruises she received in the Pillory¹; but next Wednesday Mr Tonge will be brought to confront them'.

Oates' charge at most amounted to a dereliction of his duty as a magistrate in not informing the Council of young Tonge's dealings with him, and in refusing to take any depositions without a previous disclaimer of his part in the affair. But Roger's recent writings made better matter for a prosecution, and that reinforced by direct 'evidence' of his being a Papist, proved too strong for him.

The Council so far encouraged Oates as to direct him to bring in a bill of charges against L'Estrange, who should then be secured, and meanwhile appointed a committee to examine his writings².

Of these writings we have referred to the more prominent in their places, with the exception of the most offensive of all. The famous *Appeal from the Country to the City* of the previous autumn had gone far beyond the limits of the ordinary libel, and being written with singular force—it was believed by L'Estrange to be the last work of Andrew Marvell³—gained a reputation. Whilst dissecting the enormities of the Court and Church, it paid flattering compliments to the City, at the same time reminding it that the country would get tired of sending the right men to Parliament, if nothing were done. In particular, it

¹ For her libel, *Malice Defeated* in which she vilified the 'King's evidence' and repeated her stories of the torture used to elicit 'evidence' from France and others. Just how Roger became associated with Madam's business is not quite clear. He was not mentioned in her trial in August, and strenuously denied any connection with her—which is probably the truth. See her trial for libel, September 1689, printed by Thos. Collins (*State Trials*, vii., 1183), which affords some curious information on the methods of dispersal and the prices of Libels, p. 1203.

² *Baron Weston*.—The King hath set out a proclamation that no books shall be printed without a license.

³ *M. Cellier*.—I never heard it. I was under close confinement when the King set it out.

⁴ *Weston*.—No, I deny that, for you were enlarged the first day of Trinity Term, and the Proclamation came out towards the end'. The Proc. of 12th May 1680 does not however enforce the general license.

⁵ L'Estrange's case was something more than an examination by the Council. It seems to have been one of the later examples of *Trial* by Council.

⁶ Charles Blount (*Philopatris*) was the author. Roger, as we saw, announced Marvell's death to Compton. 20th August 1678 (chap. viii., 216) Scott (*Dryden*, ix., 361-5) took it to be Ferguson's who 'tempted Jerusalem to sin'.

threatened the Court with destruction if by continued prorogations it defeated the purpose of Parliaments. It gave wide impetus to the Petitioning agitation—always the most violent irritant to the Court¹.

To answer the famous piece, L'Estrange had written in two parts his equally notorious *Citt and Bumpkin*, for which he was now chiefly charged. In this work he displayed all the hatred of the rich Whig community to which sufficient reference has already been made. Over and above the abuse of the 'Rich Charles', the caricature of the city and country Whig mouse, the exposure of the methods used to get signatures to the Petitions for a Parliament, gave special offence because of their truth².

It was about this time, too, that Roger had scandalised the sects with his rude cartoon, *The Committee, or Popery in Masquerade*, wherein he 'displays all the rabble of sects as Adamites, Ranters, and what not as counsellors upon a consult jointly petitioning, and John Presbyter Chairman. Then he brings the Petitioners, which are only Swash and the Elder's maid, the Colchester Quaker, and the Mare, petitioning against the Bishop, Service Book, Popish Lords and evil counsellors'³—a rather beastly production.

¹ See the King's speeches at the opening of Parliament for 1662 and 1666. *The Appeal* is included in *State Tracts temp. Charles II.*, vol. i. From the top of the Monument the citizens are to imagine 'the whole Town in flames, and amongst the distracted crowd, troops of Papists ravishing their wives and daughters'. See Sitwell, *First Whig*, p. 47; and Hart, *Index*, p. 206.

² The charges of 'running the Plot into a sham' and 'endeavouring to bring the King into jealousy of his good City' of London, was made the most off. See one of the most piquant replies to *Citt and Bumpkin*—*The Dialogue between Tom, the Cheshire Piper, and Capt. Crackbrains* (1680), where the author declares that 'if (the offence) was in France, as fond as he is of that Government, they would anger him, for he would without doubt be put to the question, that a discovery might be made of such grand designs in agitation (as Roger's Presbyterian-City-Plot), and if it proved all a staff of his own, as I dare swear this is, then I believe he would be broke on the wheel for endeavouring to bring the King into a jealousy of his good City of Paris'. As to L'Estrange's hint, 'Heads will find hands (*i.e.*, for Petitions) if there should be occasions', this writer asks, 'Can anything be more vile than to do as Bumpkin charged himself withal, namely to fill up sheets with Smiths and Walkers, etc., to amuse the Nation with numbers—ay, and for women to under-write for their husbands in the West Indies?' See also *A Short Answer to a whole Litter of Libellers*, p. 6. 'Upon several Rolls, there were 30 names sometimes together all in the same hand'.

³ Epistle Dedicatory to *Tom Cheshire*: 'on the right hand aloft, he sets a cabal of rascals as it were in a consult, opposite in the left hand he sets little Alderman Isaac Pennington and the Pope, under them the capital letters of Solemn league and Covenant, under that according to his usual scurrilous way a piece of Holy Writ, Jeremiah, chap. lxx., v. 5, which he scoffingly would seem to apply to that wicked combination or Covenant', a bitter fool indeed! There are several copies of this celebrated cartoon still preserved. See Bodleian (*Gough*



THE EXPLANATION.

1. The Committee on the subject of the proposed amendment to the Constitution, which would give the Pope the right of veto in the Senate, is shown in the cartoon. The members of the committee are depicted in various costumes, representing different political parties and interests. The banner above them reads "THE COMMITTEE. Popery in Masquerade." This suggests that the committee is seen as a group of people who are disguised or masquerading as Catholics in order to advance their agenda.

2. The cartoon also depicts a group of men in various costumes, including top hats, frock coats, and military uniforms, gathered around a table. They are examining documents and maps. This group represents the political establishment and the media of the time, who are shown as being involved in the process of passing the amendment. The scene is set in a room with a large window and a door in the background.

3. The cartoon is a political commentary on the proposed amendment to the Constitution, which would give the Pope the right of veto in the Senate. The cartoon is signed "L'ESTRANGE" in the bottom right corner. The cartoon is a political commentary on the proposed amendment to the Constitution, which would give the Pope the right of veto in the Senate. The cartoon is signed "L'ESTRANGE" in the bottom right corner.

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A POLITICAL CARTOON BY L'ESTRANGE, 1874.

On the 13th October the adjourned examination before the Council was held, when L'Estrange's innocence in the matter of young Tonge was unanimously upheld, and the King appeared particularly emphatic. 'The charge of the Sham-Plot falling to the ground (without one word of Mrs Cellier as to any concern of mine) Mr Oates was pleased to present me as a person *Popishly-affected*'¹. Here enters Prance with an oath and witnesses to swear that Roger was a familiar figure at Mass in Somerset House. Hence Prance's subsequent woes.

'After this Mr Oates exhibited an Information against me for conveying away Bulls and Popish books that had been seized and locked up; whereupon the Messenger of the Press (Stephens) discharged himself upon oath that the name of L'Estrange was not so much as mentioned in that business.

'The next blow at me will be (as I am informed) for saying at Will's Coffeehouse that there is no Plot'—of which he adjures Heaven to witness his denial.

'In the last place I am to be questioned for my books' (14th October 1680)².

If there had been only the Council to encounter—though a Council driven by the storm outside, and the necessity of tacking a point—L'Estrange might have weathered through. But there was the dark menace of a Parliament³, which was shortly to set on Scroggs and Weston, and in which noble lords had already declared their souls on the subject of L'Estrange⁴.

Maps 46, f. 204). Brit. Mus. *Cat. of Prints and Drawings*, vol. i., *Satires*, p. 623, No. 1080.

The poetical *Explanation* which accompanies the picture (Printed by Mary Clark for H. Brome) is as bitter—

'Well, but what means this excremental swarm
Of human insects! How they fret and storm!'

See a *Short Answer to a Whole Litter of Libellers*, p. 3, for a defence of this production. In the Brit. Mus. copy there is an MS. note—'a touch on Mr Henry Care' at the couplet,

'He deals in sonnets, articles, takes notes,
Frames histories, Impeachments, enters Votes'.

¹ The fourth charge in Danby's *Impeachment*, 'Tis true he was acquitted' says Prance of L'Estrange, 'from being in the Plot at the Council Board, and so he was from being a Papist', *L'Estrange a Papist* (1681), p. 29.

² *L'Estrange's Case in a Civil Dialogue between Zekiel and Ephraim*, October 1680.

³ 'Nothing can bind this Proteus, but a Parliament'. *Hue and Cry after Roger L'Estrange*, November 1680.

⁴ See *A Noble Lord's* (Lucas) *Speech in the House of Lords*, November 1680, Oldmixon, i., 612. 'Such a one (*A Protestant in Masquerade*) is Roger L'Estrange who now disappears, being one of the greatest villains upon earth—the bugbear of the Protestant religion—who has traduced the King's evidence by his notorious writings—a dangerous rank Papist, and deserves of all men to be hanged'.

All he had stood for in the last twenty years, his rigorous yet partial conduct of the Press, his scoffs and gibes at the 'true' Protestants, his preaching up of the Prerogative, defaming the City, etc., were now remembered.

On the 30th October, Shaftesbury reported that the Plot Committee having received information of his apostasy and 'other misdemeanours', and having thrice summoned him in vain, their Lordships recommended that 'he should be put out of the Commission of Peace, and not permitted to license the Printing of any more books, nor be employed in any more public affairs'¹.

The men who gave the final word against L'Estrange were appropriately Stationers². Richard Fletcher certified that 'about three years ago he met R. L. Esq., at the Half-Moon Tavern in Cheapside about licensing a book entitled *The Works of Geber*, an Arabian Prince and Philosopher, and gave Mr L. a guinea for his license'. After which, over a bottle of wine, Roger disclosed to Fletcher that he was a Catholic. Thereupon the House ordered 'that the Sergeant-at-Arms . . . forthwith attach the body of the said Roger L'Estrange and bring him in safe custody to the House'.

But—as the hue and cry raised in every little Whig journal informed the good citizens whom he had defamed—Roger L'Estrange was already skulking in some obscure lodging in the 'grey metropolis of the North'³.

On Queen Elizabeth's Day (17th November) there was

¹ *Lords' Journals*, 30th October 1680, xiii., 6, 30. Despite the expiry of the Act, in 1679, cautious booksellers still protected themselves by giving an occasional guinea for Roger's *Imprimatur*. The expiry of the Act was, we saw, deliberate on the part of the Whigs, 'notwithstanding His Majesty recommended it seriously to the Parliament by the Lord Chancellor, at the opening of it'. See Bohun's *Address to the Freeholders* (1683), pt. ii., 12.

² Informations taken by Clarendon and Craven, those of Prance and Mowbray on the 25th October, of Bennet and Fletcher on the 30th. On the 27th, Mrs Curtis charged him with 'refusing to license several books, wherein there was anything against the Papists', more especially two books 'which upon the first sight were licensed by the Bishop of London', *L'Estrange a Papist*, February 1682. The two books were *The Character of a Turbulent Pragmatical Jesuit*—licensed by the Bishop's Chaplain, 15th October 1678, and *A Letter from a Catholic Gentleman to his Popish Friends*. See the *Portraiture of Roger L'Estrange* (1681), pp. 3-4; *Lords' Journals*, xiii., 629-30; and *H.M.C.*, 11th Rept., app. ii., 167.

³ *H.M.C.*, 11th Rept., app. ii., p. 167, 6th November. Sergeant-at-Arms reports that he cannot find Castlemaine (denounced on 28th October) or L'Estrange. Fountainhall, *Historical Observes*, ed. 1810, p. 32. 'It is observable almost none of the English nobility (even of the King's party) and few of their gentry came to visit the Duke of York during his abode in Scotland for fear of offending the other faction, only it was reported Roger L'Estrange, the Licenser of the Press, was here with the Duke incognito'.

STRANGE'S CASE, STRANGELY
ALTERED

[illegible]

The Figures above may be thus Explained

WAS IT A MISTAKE TO GET
AFTER HARPER? I hope not. I
hope I did not miss it.
They are the chance of a lifetime.
To help a friend and his wife
to look at a new house.

11

That's how I got the job. I
looked at the house, and he
said, "I'll be there in a minute."
I was there in a minute.
I was there in a minute.
I was there in a minute.

[illegible]

The third one is from "I Can't Fly" by Pat.
Now I realize how I've been all the time.
What would life be like if I had more?
The perfect question is the best.
Then I ask this Hammer in my heart,
"Would he like the Black Hammer?"
V.Y.

Pat's father says it would mean that
Hammer himself, not just words,
See how the *dream* of an image,
When I realize I never enough has been
To reveal from the Mass of his
As well as from the *dream*.

Next take a view of *Madly* (page 14).
 To which the *Amazons* are in place,
 And become *Amazons* a Tale
 We have a *Fortress* to be seen there,
 Where *one* and *valley* has *land* it is *low*,
 When's *flaming* can't *perceiv* it.
 A 111
 Now *Flame* is *rising* and *we*
 And *rise* them *all* in *flames*.
 It is *you* and *flame* both
Scatter them *in* *flames* with *me*,
 And *they* *may* *be* *made* *as* *we* *do* *it*,
 And *they* *both* *are* *in* *flame* *be*.

[illegible]

the usual monster procession and Pope-burning. This occasion celebrated as great a triumph to the distempered Protestant mind as the destruction of the Armada. Parliament was sitting and its enemies under its foot. Roger L'Estrange, with his inseparable consort Mrs Cellier, was borne along to Smithfield amid the hoots and jeers of the rabble¹.

¹ See (Brit. Mus. *Cat. of Prints and Drawings*, Division I. *Political Satires*, 1083, p. 629) besides various broadsides of the Procession, the cartoon *Strange's Case Strangely Altered*—long a favourite with L'Estrange's foes—or 'The Hue and Cry After a Strange Old Yorkshire Tike . . . ran away from his master about the 26th inst. (October) seen on Sat. last behind a coach, between Sam's Coffee-house and Mrs Cellier's'. The 'Yorkshire Tike' carries a broom (Book-seller, Harry Brome) under his tail. The explanatory verses follow :—

'Was ever gallows better set
When Hangman, Rope, and Roger met?

Thus having 'scaped the fatal tree
In devilish haste away flies he
For Scotland, France, or Rome,
No matter which, for all he strives
And needs must go when Devil drives
Together with his *Brome*'.

Settle was stage-manager of this procession. Nichol, *Lit. Anec.*, i., 43, and *Heraclitus Ridens*, 30. *Dunciad*, bk. iii. :—

'Though long my party built on me their hopes
For writing pamphlets and for roasting Popes'.

L'Estrange (*Hist. of Times* (1687), p. 23), 'I never liked the Hobby-horse Processions of Godfrey's Funeral and the burnings of the Pope'.

CHAPTER IX

THE OBSERVATOR AND THE WHIG JOURNALS

THE last word we had of L'Estrange was his despairing vindication of 14th October, with the statement that he was shortly to be called before the Council for final examination, when the Committee entrusted with the reading of his writings would no doubt report.

For that examination, as we know, he did not appear, but—so says *L'Estrange's Sayings*—sent his wife¹ to excuse him on the plea of bailiffs. In other words, apart from public troubles, the expiry of the Press Act had left him in very low water financially, and though Harry Brome had done his best for him in payment for his numerous works, his failure to get the Mastership of Faculties vacant through Birkenhead's death in 1679, had brought ruin near him. His enemies, now practically the whole nation, spoke of 'lantreloe',² and Lady Vaultinglasse³ (Boltinglasse) as the cause of his ruin.

The course of his exile it is difficult to trace with any certainty. His immediate steps after ignominious lurking in London⁴, seem to have turned towards Edinburgh⁵,

¹ *H.M.C.*, 11th Rept., App. ii., p. 167.

² 'This is to play all night at lantreloe with rooking ladies'. *Mr L'Estrange's Sayings. A Short Answer*, etc., p. 2: 'The Gentleman had as many remedies against hanging himself for love as . . . Madam Bear, her damosels, could afford'.

³ Seemingly the infamous lady that Oates consoled himself with in Newgate, 1684. Ailesbury, *Memoirs*, i., 144.

⁴ See *A Letter Intercepted*, etc., for his (and his wife's) never-failing Friend, 10th February 1680. At the *Orange's Court*, for some dubious details.—'The old coachloft Roger, where you and Thompson lay—your white hat, laced band, and sword with your *just-asse-ship's* gold button coat, and the under petticoat you had of Mm. Vaultinglasse wrapt up in Thompson's canonical gown. They carried them into the Strand and have hung you up Roger (in effigy) on the May-Pole'. This Thompson is not 'Popish' Nat, but the high-flying parson of Bristol, whom the Commons were then persecuting. See *State Trials*, viii., i. Care was suspected of this letter 'which they say is the counterpart of Fitzharris' libel'. *Heracitus*, 17, Colledge was more probably the author, see chap. x., 290.

⁵ Chap. viii., 259.

where no doubt Brome forwarded the evidence of the rage and triumph of his enemies in the form of cartoons and scurrilous satire, and those other symptoms of frenzy, Frank Smith's *Votes of the Commons*. The late editor of the *Roxburghe Ballads* had a kindly leaning to L'Estrange, and the evidence before him in a hundred ballads and cartoons of the state of public opinion on Roger L'Estrange in these months, provoked several diatribes of an almost Giffordian vehemence, though it is to be doubted if Mr Ebsworth was aware of all the particulars of his case¹.

For example, as was hinted at the close of last chapter, in the Pope-burning of 17th November 'with all its toyish jollity', Roger shared with Mrs Cellier the honour of the first Pageant. He is described in Nat Ponder's issue as 'one in black, standing bare-headed, playing on a fiddle'². This pageant was devoted to the Protestants-in-masquerade, the Plot-sceptics, and Presbyterian-Plot men. The seventh pageant was graced with the Pope's effigy. 'In this fatal Pomp, the Procession sets out from Whitechapel-Bars, and on through Bishopsgate, through Cornhill, Cheapside, and Ludgate, till it comes to Temple-Bar, where it receives its sentence to be burned before Queen Besse's Throne; and in remembrance of her happy days, and for the victories God gives us in our days against the Pope and his emissaries, the solemnity closed with fuzees and artificial Fires'³.

By the actual indignity of the Procession, by largely circulated accounts issuing from the presses of Ponder, Curtis, and Smith, and by wonderful cuts, the delight of that and our age, the victim was thrice held up to reprobation. Such was the cheerful reading in Roger's *London Budget*.

In default of a single scrap of intelligence from

¹ *Roxburghe Ballads*, iv., 220-2.

² Brit. Mus. *Cat. of Prints and Drawings*, i., 632 (No. 1084).

³ See also the cartoon *Rome's Hunting Match*, 1680. (No. 1094, pp. 659-60, in Brit. Mus. *Cat. of Prints and Drawings*, Division I, *Satires*.) 'Among the dogs are Treachery, self-interest, adultery, and ambition, the last wearing a cap and "strange", i.e., R.L.S.' No. 1095 represents him (Roger) 'to be the Provincial of the Jesuits here in London when they burned it; he and another cur called Gifford managed that fire, hiring and paying those carrying it from house to house'. The Green Ribbon Club financed these Processions. See Sitwell, *First Whig*, pp. 78-82, 104-7. 'The heaviest and hardest shafts of club satire were aimed at L'Estrange' (*ibid.*, p. 119.) 'Last of all, if North's memory served him right, came a frame with a single person upon it, which some said was the pamphleteer Sir Roger L'Estrange, some the King of France, and some the Duke of York' (*ibid.*, p. 115.)

L'Estrange during his Northern exile, we may cite what is perhaps as interesting, the imaginings of his enemies in London, by the familiar device of a counterfeit letter. One of these, dated 10th January 1681, is not too clumsy in its rude wit, and is an interesting reflexion of a Londoner's idea of the barbarous North.

HONEST HARRY (it is addressed to Brome),—According to my promise, I should have wrote you long since, to have given you an account how squares go, but the grief and affright of heart I am in, and the long and tedious journey, had so tired me, that I was forced to lie in bed and think of my wicked fate and whilst I was musing I received the skeldry of that damned picture of Towzer¹, which so enraged me, that it put my before-heated blood into a fever. I must confess they are now even with me for my jack-an-apes on horseback. . . . I had begun a dialogue between Jocky and Blue-cap, but a friend of mine coming in made me burn my papers, for he told me that 'twould prove to be more fatal than *Citt and Bumpkin* or that between Richard and Baxter² or any other dialogue I had ever wrote, for those plaguey Scots, if they but smelt I was writing of dialogues would knock out my brains and would never take it so patiently as the English had done.

Things will not always run with so smooth a stream, we are puddling the waters all we can, and let the Citts look to themselves, we may chance to have a brush at their jackets.

Those furious gentlemen at Westminster, that go on so vigorously may perchance find some repulse if the interest and power of my master³ and the Popish Party are able to do it; we yet believe that it will not be so easy a matter for you to put the Duke beside the saddle.

I had your *Peer's Speech* too⁴; 'tis a brave thing that any durst speak so plain English, but this comes of the *Liberty of the Press*; when I sat at the helm, these things

¹ The 'Yorkish tike'.

² See his *Dialogue between Richard and Baxter*, or *The Casuist Unear'd* (1680).

³ Duke of York.

⁴ *Speech of a Noble Peer*, printed by F. Smith, 1681. A violent diatribe against the Duke and the Queen. 'This match with a Portugal lady not like to have children'. The Duke aimed at the Crown before the Restoration. His guards are everywhere. The King is in his hands. 'Not a Bishop made without him'. Among numerous answers to the speech is one from that remarkable Printer's widow, Eleanor James.

never were. I would have given it a squeeze, you know my fingers were like pitch, whatever they laid hold of, stuck to them so fast, they could never be got from them.

I tell thee that *Speech* was almost as bad as the *Appeal*¹, a dangerous libel. Had I been in London, I would have answered it, but I tell thee I have been so terrified with the inveterate hatred of these bleu-caps against the scribblers, that I am fain to make them believe I never wrote in my life. I intend when I dare to write again a new History of the Popish Presbyterian Plot². I will license it myself and nobody shall print it but you. I am got into a cold country where in silence I often hear myself railed at most profoundly. I was asked by a Pride-mouthed rogue the other day, because I was an Englishman, whether I knew R.L.S. or as they term it the S.R., and shewing me the picture of Towzer asked me if it was not like him, and if it was drawn from the life? I would willingly have dashed out his teeth if I durst. But Hal, since I cannot write as I wont, because I must be employed, I am now learning to play upon the Scotch Bagpipes, which I will endeavour to set up instead of the organs in Churches. I am also learning to speak through the nose, and am getting by heart the Scotch Covenant, (that) I may be a proselyte at last and put on that vizard as well as that of the Protestant.

I long to know if the Parliament shall sit again, for some of us have great expectations. I saw all the Votes³ and Resolves you sent me; God Bless me, said I, from falling under the clutches of a Parliament. I think I did more wisely than Justice Scroggs when I ran away. 'Twas a madness I thought to fight 4 or 500 resolute men. I remember that black prophet Dr Oates once told me at

¹ *Appeal from the Country to the City*. See chap. viii., 255. *Diary of Narcissus Luttrell*, 15th October 1679. 'About this time came out the *Appeal*', etc.

² A good hit. See chap. xi., .

³ A true hit also. In *Observer*, 30th March 1685, he says: 'I have some reason myself more than ordinary to complain of it (Frank Smith's Printed Votes); whilst I was in Holland every post brought me in Gazettes, Towzers, Abhorrrers and Printed Votes. Tell a Freeborn Englishman of a French peasant and it works like a charm upon him. We had before us both the Printed Votes and the Printed list of the Westminster House of Commons, and the *non, coms.* of the one were charged upon me as the unanimous sense and opinion of the other. That is though I was morally certain that the thing was otherwise, my mouth was stopped with a *Nem. Com.*'. See *Life of Sir L. Jenkins*, 2 vols. (1724), i., xl., where the author quotes L'Estrange's strictures on these 'Votes' as 'snaps of discourse maliciously patched together'.

Whitehall twisting his hat about, *Well, Sir, we shall have a Parliament*, but I did not believe him. I now acknowledge him as great a prophet as Mother Shipton, which the Scots I assure you have in reverence. If you please, you may print this letter which I write by stealth, for if my name be set to it, you know it will sell whatever stuff is in it. Pray you therefore accept this as a New Year's gift, for I have nothing else to send you.—I am, your faithful friend,

R.L.

HIGH STREET, EDINBURGH,
10th January.

10th January, the date of Roger's supposed letter, was the date of the momentous votes of the Commons referred to as marking the turn of the sway-boat.

Three days later the Lord Mayor and Aldermen presented their offensive Petition to the King for the sitting of Parliament¹. It was at this time that the Government, either in the counsels of desperation, or encouraged by popular auguries, began to pluck up courage and to grasp firmly the stinging nettle of dissent and sedition. There is little doubt, though one more manifestation of violent whiggery on the part of the people was due in the Oxford elections, that already in January to an observant spectator the elements of reaction and of the ruin of the Whigs were present, and that despite the desperate efforts of those excellent election agents Harris, Smith, Curtis and the rest.

Nothing shows more clearly how much L'Estrange had enraged the Faction than the continuance and increased virulence of the attacks referred to above.

Among the 'fardel of lies' which was pouring out from the Whig presses, and which pursued him into exile, there was one folio piece called *Mr L'Estrange's Sayings*, whose author was clever enough to cull from Roger's works precisely those passages which were most calculated to arouse the fury of the people. The passages are chosen with sufficient brevity, and the comments are apposite and impudent enough to hit off the humour of the City. *Mr L'Estrange's Sayings* is mainly interesting to us, however,

¹ Printed by the King's Printer Roycroft, who succeeded Jas. Flesher as Printer for the City. The most offensive part of the Petition is the sentence: 'Your subjects were extremely surprised at the late Prorogation'.

for having provoked our author's most telling contribution to the antisectionarian literature of the age—*Dissenters' Sayings faithfully Reported* in two parts (1681)¹. It may be worth noting wherein lay the peculiar effectiveness of both the provocation and the crushing retort.

With the flight of L'Estrange in October 1680 before the menace of a free Parliament, a parallel at once suggested itself between 1659 and 1680. It may be remembered that from the time of Sir G. Booth's Rising particularly, until Monk's Declaration for a Free Parliament, it was the common gibe of the Loyalists and of L'Estrange more than any, that the existing Government dared not call a Free Parliament for reasons of personal safety, and before that Free Parliament met, Chapman, Nedham and others of the subsidiary agents had fled. 'The very mention of a Parliament enrages them, and there is reason for it; their heads are forfeited, and if the Law lives, they must perish'², and again of the same men 'friendless abroad, and comfortless at home, as guilty and as desperate as Cain'.

These words which fitted Nedham in 1660 now applied exactly to the exile in Edinburgh and the Hague. There was also the old quarrel of *Citt and Bumpkin*, the contempt of the Court for the mere citizen, to which Roger had given such indiscreet expression, and as an instance of which *L'Estrange's Sayings* cited the unfortunate remark in the *Apology* of 1660 already quoted³, and the envy of the City's wealth conveyed in the sentence: 'If men will be damned, they had better damn rich, than poor'. This undying hatred of the 'riche churle' we shall find flares up again in the Tory triumph of 1683, when the *Observer* was first in the field with the suggestion of a boycott for Whig traders. At the present moment it was well answered by the sarcasm that 'our author has tugged hard at the quill this many a far day, for a secretary's place, or some other preferment'⁴.

There were also remembered his frequent upbraidings

¹ The French version *Le Nonconformiste Anglois dans ses Ecris*, etc., is dated 1683 and published by H. Brome. The Rye Plot gave it an occasion, as a year later the Monmouth Affair called forth Roger's ('') *Conspiration faite contre le Roi Jacques II.* (1685). His solicitude for Continental opinion is notable.

² *Apology*, 1660.

³ Page 48. 'A citizen's skull is but a thing to try the temper of a soldier's sword upon'. His master, Ben Jonson, may be responsible for some of this contempt of the courtier for the citizen.

⁴ *Additional Reasons to prove Roger L'Estrange no Papist* (1681).

of the King in 1661, and even so recent as 1680, for neglecting L'Estrange and the Cavaliers.

As to his disclaimers of a Popish bias, 'amongst all the swarms of his stitched tomes and sixpenny volumes, he never wrote one line against Popery, though he had translated Father Bona, the Jesuit, to render that party more acceptable'.

The writer might have mentioned in mere candour, Roger's excellent translation of Erasmus' *Colloquies* (1679), a work surely calculated against Popery¹.

This brief but waspish folio of Langley Curtis seems to have been written just before the sitting of the Oxford Parliament (25th March), but was probably not printed until the beginning of April². It seems to assume that L'Estrange was still on the Continent, but we have sufficient evidence of his return from the Hague in February, and probably very shortly after the printed letter to Ken, 1st February 1681³. *Dissenters' Sayings* was certainly selling the week after the extraordinary dispersal of the members from Oxford, and is as intelligent an anticipation of the Court's new line of action as can be imagined. Putting aside *Hudibras* and a few such fine things, this work in its year dealt a severer blow at the Dissenters than any other book, and was no doubt partly responsible for the recrudescence of persecution at the close of this year. We have abundance of evidence to show that it became for a time the *vade-mecum* of the clergy, and as Rutherford's *Lex Rex*, Calvin, and Beza, were supposed to find a place in every little dissenting library, so L'Estrange's work was sure to be found in more orthodox studies.

¹ And claimed as such in that very *Trial of the Pope*, 17th November 1680, already alluded to as the first Procession in which L'Estrange figured. See Curtis' broadside on the occasion, p. 2. 'Silly fancies deserve not a serious refutation, and Erasmus' satirical drollery was found to be as effectual to bring down the Romish pageantry, as Luther's gravity of argument'. Care was the 'Little Luther'.

² If the date 1681 is any guide. Dates were so falsified that little reliance can be given to them. L'Estrange himself confessed to post-dating.

³ A respectful notice to Dr Ken, then at the Hague, that he intended to take the sacrament from the Doctor's hands with fearful oaths that he had not been at Mass, as France and the rest affirmed. Harris' *Intelligence* for 25th January talks of 'Towzer again came out of his kennel', and again on 11th February, gives a humorous picture of a porter that 'went along with a sheet of paper in his hands being a picture called *L'Estrange's Case Strangely Altered*, and as often as the hawkers cried "Here's the answer to Peer's Petition" (supposed to be Roger's reply to Essex) the Porter still subjoined, "Here's the old dog Towzer come out of his kennel with a brome at 's tail'". *Towzer's Advice to the Scribblers* seems to fix the date of Roger's return to 20th February 1681.

It was quoted with trust and admiration, and was largely its author's title to be *the guide of the Inferior Clergy*, and with the *Observers* now also due, his claim on what France called the 'almsbasket' of the Church. Long after his bitter life was over, we find eminent Churchmen referring to him as 'an injured memory', and no doubt *Dissenters' Sayings* contributed to arouse this championship.

Apt quotation from dissenting fathers and trenchant comment is the idea of this work, which was reinforced by the republication of his earlier Restoration exposures of Presbytery, and very shortly by the appearance of the first number of the *Observer*. Flatman's *Heraclitus Ridens*, started in February, was beating the same anvil though in lighter fashion, while Burnet tells us that every pulpit was turned to railery of the Dissenters to the total neglect of the Papists¹.

We are thus in the forefront of that struggle for which the King's Declaration in April gave the signal, and which after several brief, fierce contests was to end in driving the Whigs into secret revolt, and then to their utter destruction. It is this fact which gives *Dissenters' Sayings* any importance it may possess in the forward movement. Taken in conjunction with the *Observers* and those numerous tracts timed for the occasion of each of the struggles now imminent, when L'Estrange appears as an almost official Government apologist, it constituted his claim to be regarded as 'a great man at Whitehall'.

His figure in the Government indeed became considerable, and is increasingly so after the Rye discovery, when to his numerous writings he added the special activities of a Middlesex Justice of the Peace, urging his brethren to ferret out and suppress all forms of dissent and sedition, and gathering round him such magistrates as Sir Roger Harwich, Sir Clement Armiger, and 'my brother Guise'.

The forces to be met and destroyed were the disbanded elements of the opposition set loose by the Oxford coup, and driven into a secrecy which was easily construed as conspiracy. There was above all an account to settle

¹ *Own Times* (1823), ii., 209-11. See the preface to the reprint of *Heraclitus* (1713). 'Deadliest poisons (the *Weekly Packet*, etc.) produce the sweetest and most healings honeys. . . . The descendants of some of the persons herein mentioned have made large amends for their predecessors' turbulent and factious behaviour'.

with the City, the home of *Ignoramus*. Its sheriffs who nominated the juries must be so chosen that such verdicts as that returned in College's first trial, or the recalcitrancy shown by the jury in Ben Harris' case the year before¹, would be impossible.

The passage in which Burnet refers to L'Estrange as the 'Manager of all those angry writings' is placed before the trial of Sir G. Wakemen, but obviously refers to the outburst after the Oxford Parliament, and particularly to *Dissenters' Sayings* and the *Observers*. Burnet had no reason to remember the writer of *Considerations on the Speech of Lord Russell* very kindly², but his description of him at this period is not too unfair, and recalls certain features of Clarendon's earlier portraiture.

'A man who had lived in all the late Times, and was furnished with an inexhaustible copiousness in writing, so that for 4 years he published 3 or 4 sheets a week under the title of *The Observer*, all tending to defame the Country Party and to make the Clergy apprehend that their ruin was designed. This had all the success he could have wished as it drew considerable sums that were raised to acknowledge the services he did. Upon this, the greater part of the Clergy, who were already much prejudiced against that party, being now both sharpened and furnished by these papers, delivered themselves up to so much heat and indiscretion, which was vented both in their pulpits and common conversation, and most particularly at the election of Parliament-men, and this drew much hatred and censure upon them'³.

It is thus possible to use the two parts of *Dissenters*

¹ They at first returned a harmless verdict of mere selling the book (the famous *Appeal*) 'at which there was a great and clamorous shout'. After some brow-beating, they returned the desired verdict. See his case, *State Trials*, vii., 926. Also his *Twenty-four Sober Queries* (1680), and *Triumph of Justice* quoted at p. 271 of this chapter. Sir G. Sitwell (*First Whig*, Introduction) attempts, not unsuccessfully to make out a case for the Court on account of Jury-packing and *Ignoramus*.

² See chap. xi.

³ *Own Times*, ed. 1823, ii., 211. Coke (*Detraction* (1719), p. 247) has a similar passage referring to the same period. 'To honour the Court, the Tory party set their writers to work to ridicule the Popish Plot and L'Estrange as pensioner of the party, comes weekly or oftener out in defiance of it, who is party judge, licenser and ruler of the Press, while his antagonist Care (who wrote the *Weekly Parquet* wherein he discovered the frauds and superstitions of the Court and Church) is not only thereupon arraigned, convicted, and sentenced for printing illicitly or without license, but by order of the King's Bench it was ordered that the book should be burnt'. Coke is wrong in his 'without license'. No license was needed.

*Sayings*¹ as an index of the progress made by the Court in their new policy from the Dissolution of the Oxford Parliament till August of the same year, which is marked by the execution of College at Oxford on the 29th.

The preface to the earlier part is not lacking in that crude salt which makes L'Estrange a characteristic writer.

‘Among the curiosities of this latter age, the invention of transmitting unto After-times the Apothegms and Sayings of men famous in their generations with a *He being dead, yet speaketh*, for the motto, is in my opinion very considerable. This is the sweet ointment that has perfumed the memory of the late King’s Judges², the sufferers of the Kirk militant, and the whole band of covenanted martyrs, that having finished their testimony on the wrong side of the Pale, what a comfort is it for a man in the contemplation of his future state to say with the Rev. Mr Baxter (*Saints’ Everlasting Rest*, p. 101, 3rd ed.)³, “Then shall ye be with Pym and White”⁴. This din may do well enough when a man’s bones are laid and his head past aching. But to see myself embalmed before my time and serenaded with *Mr Roger L'Estrange's Sayings*, etc., looks, methinks, too much like the inviting a man to his own funeral. In this Extract or Collection, the reader may fancy himself to be gotten into the fanatics’ tiring-room where he sees all their dresses and disguises, their shifts of masques and habits, their change of scenes; their artificial thunders and false fires⁵, nay, the very bugs and devils they fright fools and children with, at a distance, to be no more, near hand, than paint and Canvass. You have here laid open to you the mystery of the work to the very springs and wheels that make the motion play, their deeds of darkness brought to light, their very souls exposed, their pleas and conscience still varying

¹ *The Dissenters’ Sayings in Requital for L'Estrange's Sayings, published in their own Words by Roger L'Estrange* (1681), 3rd ed. The second part dedicated to the Grand-Jury of London, 29th August 1681. The first and second parts first advertised together in *Observer* for 2nd November 1681. The French Translation *Le Nonconformiste Anglois dans ses Ecrits . . . et dans ses Sentiments*, is dated 1683, and was first advertised, *Observer*, i., 354, 11th June 1683.

² A reference to the old Regicides’ Speeches. See chap. iv., 118.

³ The accuracy of this quotation was impugned, but Roger in a subsequent edition promised that “if the Reader be not yet satisfied, Mrs Brome has a book of one of these impressions at his service”.

⁴ Of White’s *Centurion* fame (1643). *Dissenters’ Sayings* is really a belated reply to that notorious tract.

⁵ A palpable hit at *London's Flames*, etc.

with their fortunes. Or in one word, you have here the Dissenters' Picture to the life of their own drawing'.

The little Parliament of Dissenters quoted in this first part numbers 66, but this includes besides the main characters Bastwicke, Burton, Case, Calamy, Baxter, etc.—minor *dramatis personae* slumped together at the end like the rude mechanicals of an Elizabethian play—as Crab (a feltmaker), Hobson (a tailor), Mellish (a cobbler), Rice (a tinker), etc.¹.

Here we are provided with an elaborate and Swiftian picture of the Dissenters as a people who do not agree among themselves, whose motives are blood and revolution, opposed to all innocent mirth and even the ordinary round of employments, regicides, and blasphemers, eikonoklasts and atheists in effect.

The comments to each chapter are as with his *Æsop*, the biting parts, and it is impossible not to admire both the skill of quotation and the masterly castigation of the comment.

Little more than a fortnight elapsed between the publication of the first part, and the appearance of the remarkable *Observer*, whose three volumes are a treasury of history and vulgar, but vivid, English. In February John Flatman had started his excellent *Heraclitus Ridens*, and it may have been with some idea of catching up this witty journal (which was ascribed to himself) that Roger undertook his second great venture in journalism. This publication on 13th April affords an opportunity for glancing at the condition of the Press.

Shortly after the Press Act was deliberately allowed to expire in May 1679, the Government, pestered by swarms of libels, had taken the opinion of the judges² as to the

¹ These sayings are quoted from Edward's *Gangroena* and *Catalogue of Errors* published in 1644. Two works as famous in their day as White's *Century*, both obscure storehouses of all the most frightful instances and not free of an occasional indecency, on which L'Estrange was glad to lay hold.

² The judges met twice—immediately after the expiry of the Act, and again at the beginning of 1680. They decided that (a) all scandalous books were punishable at Common Law; (b) all writers of news, whether scandalous or not 'if they are false news (as there are few others) are indictable and punishable on that account'. *State Trials*, vii., 930, 1114. Also *London Gazette* for 5th and 17th May 1680.

The proclamation of 12th May 1680—For suppressing the Printing and Publishing unlicensed Newsbooks and Pamphlets of News 'the continuance whereof would, in a short time, endanger the Peace of the Kingdom . . . as has been declared by all His Majesty's Judges unanimously'.

The Proclamation of 31st October 1679, against seditious libels offers £40 for discoveries and a pardon to delating hawkers (*Procs. of Chas. II.*, 1671-9. Arch. Bodl. Subt. 31).

legality of the new growth of newspapers, and their decision as expressed by Jeffries had been that 'no person whatsoever could expose to the public knowledge anything that concerned the affairs of the Public without license from the King or from such persons as he thought fit to entrust with that affair'¹. This did not of course refer only to Parliamentary intelligence, the bann on which, now temporarily relaxed, was strictly enforced during many years of the next century. But it practically included almost anything of a political nature. It was the most flagrant attempt at Judge-made law since the decision on Shipmoney. At the same time it must be admitted that the party writers had in 1679-80 gone far beyond the limits of moderate political criticism. They not only degraded every cause in the Law Courts to the level of the Hustings, but they boldly arraigned judgments delivered in accordance with the just course of English law. The trial of Sir G. Wakeman we saw raised a babel of libellous tongues, and no one reading Scrogg's vindication uttered in the King's Bench Court at the opening of Michaelmas term 1679, can fail to extend some sympathy to the pestered judges². On the other hand, whatever ground or prescription the King had for a monopoly of News—and the right could only be argued on Star-Chamber precedents—there is no doubt at all of the hardship and cruelty of the batch of Trials which followed this vindication.

Such was Ben Harris' case in the Spring of 1680 for publishing the famous *Appeal from the Country to the City*. Such also was the case of Frank Smith for printing some Observations on the Trial of Sir George Wakeman³.

Harris was fined £500 and kept in a miserable state in Newgate which caused a considerable hiatus (April to December 1680) in his *Protestant Domestick Intelligence*.

¹ *State Trials*, vii., 202-6.

² *Ibid.* See also the Proceedings of the Committee appointed by the Commons to examine the conduct of the judges. *State Trials*, temp. Chas. II. (1693), pt. i.

³ *State Trials*, vii., 926 *et seq.* See Harris' *Twenty-four Queries* for some useful comment on the libel law, appropriately addressed to Scroggs. Query 20 is significant of the tumult of these trials 'whether it be any crime against the Law that the people shall give a shout of joy . . . and if it be a breach, why was it not rebuked when a great shout of joy was made by the people because of the brave speeches concerning Justice at the trials of some of the Popish Traitors?' The sufferings of these men narrated in Frank Smith's Narrative and elsewhere remind us that we are in the midst of the first great attempt, since the trial of the 'Confederates' to extirpate the class.

Smith was too ill to appear, and his wife's apology to the Court was taken as sufficient composition.

Encouraged by this success, which was augmented by Harris' seeming penitence in Newgate, and ignoring the hems of the rabble, the Government proceeded in July to the trial of a far more able culprit, the brain of the faction in the Press and writer of half their stuff, Harry Care¹. It is a pity that the little knowledge we have of this man is derived from the scurrilities of L'Estrange and others. In Harris' case we see the ex-Surveyor's hand. He had exposed the *Appeal* as the most dangerous libel of the times and urged a prosecution. With Care it was—they might have selected any of half a dozen things he was writing then—the indecent *Popish Courant* which accompanied the *Weekly Pacquet of Advice*, and which Sir Francis Winnington for the defence described as 'the Satirist against Popery, and thought to be very well liked until this fault was found in it'². The fault was not its gross indecency, but a reflection on the conduct of the Judges at the Wakeman trial, such as might to-day be heavily punished. But only as contempt of Court and not as an infringement of the King's Monopoly of News. Here again were the same tumultuous hems which provoked Scrogg's reference to 'that unfortunate man' Harris, left by his friends in gaol for want of £500 'which may be 5s. a piece if they had been as free of their purses as they are of their noises and acclamations'³. Care was convicted and sentenced to stand in the pillory and pay a large fine. More important, the Judges ordered that henceforth no one should print the *Weekly Pacquet*⁴.

Frank Smith's trial already referred to was closest to the meeting of Parliament, 16th September 1680.

¹ See *A Whig Lamentation for Colledge* (1681).

'Our case to the correcter men we must refer,
To Shadwell and Settle, to Curtis and Carr'.

² *State Trials*, vii., 1121.

³ *Ibid.*, p. 1126. L. C. J. Scroggs: 'Harris sent to me that his party had all forsaken him and no man would give him anything', which rendered him more tractable as an informer, as L'Estrange found in 1682. Defoe has a passage written in 1722 which might have been inspired by Scroggs' remark. 'Do parties at any time concern themselves for scribblers and printers when they suffer? For what then do Printers expose themselves and what thanks have they for their labour?' Defoe, *Works*, iii., 40 (ed. 1863).

⁴ 'Such an order was evidently beyond the competence of the Court'. Hallam, *Cons. Hist.*, p. 613.

These then were the cases which formed an important part of the impeachment of Scroggs and Weston, and the humiliation of Jeffries at the bar of the Commons in December 1680¹. By their action the Commons reversed the Judges' decision, rebuked Stevens the Press Messenger for acting on Scroggs' warrant, and put back the Law to what it had been commonly thought to be in May 1679. Incidentally they remitted Harris' fine when he proceeded merrily with his interrupted *Intelligence*. Their hand also, as we saw, stretched back to the penalties imposed on Joseph Browne by the Libels Committee in 1677², and revoked them.

Thus for a month or two the Press was free by will of Parliament, and against the will of the Court, in a degree it scarcely ever before or indeed since has enjoyed. Both Harris and Smith resumed their factious works, and though professing peaceable ends were scarcely a week in the saddle before their papers—those which pursued L'Estrange into exile—were crammed with votes, lists of pensioners, and (in the prorogation and ultimate dissolution of Parliament) election addresses. On the whole it would be difficult to find two better electioneering agents than these men in the weeks that intervened till the Oxford Parliament met on 25th March, and any one interested in this phase of activity of the 'Fourth Estate', cannot do better than consult the *Domestick* and *Protestant Intelligences* for the earliest manifestations of the art.

It was the necessity of answering these papers—in default of the rough-and-ready way of silencing them—that called into being in February *Heraclitus Ridens* and Nat Thompson's *Loyal Protestant Intelligence*. Nat, formerly the chief culprit of the Libels Committee, and since as ardent on the Government side, had run a good race in pursuit of Harris' *Domestick Intelligence*, till fate overtook him in the form of the officious Sir Wm. Waller, and in connection—among other things—with his advertisement of the Proposed Burning of the Rump by the Tory Prentices on Restoration Day 1680.

Since then Nat had languished in prison, but Sir William,

¹ *State Trials*, viii., 163. Stevens had rather hard measure. He was charged by Scroggs with 'conniving and tampering' (ix., 36) and yet was censured by the Commons for executing Scroggs' warrant.

² Chap. vii., 214, note.

he says, 'had not put that badge upon me as to prohibit me pen, ink, and paper, which he has to others, upon as little occasion'. From March to June Nat's journal was one of the goodly list that have issued from a gaol. The fact that it was for the Court, and yet had to deprecate the wrath of 'the present and best of Governments', is sufficient to show that the men of Shaftesbury were still high in power¹.

With the entry of *Heracitus Ridens* in February 1681, and Nat's resumption on 9th March, the Court was in better case to meet their enemies. But though the palm of wit is certainly due to the loyal journals, they were quite over-matched in numbers by Harris, F. Smith, Curtis, Janeway, Banks, etc.².

There was, of course, the liveliest recrimination between these Whig journals, which is discreetly veiled in modern organs hunting on the same side. The commercial side was not lost sight of³.

¹ For an account of ill-usage to set beside F. Smith's Narrative, see Thompson's Preface to his 183 *Loyal Songs*, 1683. This abortive Burning of the Rump in May 1680, is the old business of 1659-60 repeating itself. Some loyal gentlemen — L'Estrange no doubt among them — inciting the Prentices to a demonstration of disloyalty. In February 1680 these persons visited Nat's house in Fetter Lane, and the result was the offensive advertisement on the 16th: — 'Several apprentices in and about the City of London (not well understanding what they did) having been persuaded to subscribe a Petition to his Majesty for the sitting of Parliament, afterwards understanding how his Majesty resented their way of proceeding, have upon further consideration to show their dislike of what they have done, resolved in solemn manner to sacrifice the Rump, that the present age may keep in memory the practice of '41 and not walk in that precedent'. Nat was refused £1,000 bail offered. Waller acted as the honorary secretary of the Plot witnesses, scouring the City for crucifixes, Catholic relics, etc. The hatred he aroused suggested that his services were not quite honorary.

² Besides these, Smith's (John) *Current Intelligence* ran fitfully with some others during the early months of the year. There were bickerings between Banks and Smith as to which owned the true *Current Intelligence*. But all the journals, Whig and Tory, seem to have a quarrel with Harris' *Domestick Intelligence* for its 'falsities'. There was also a class of journal which existed for only a few numbers, and was merely an attack on *Heracitus*, L'Estrange, or Nat Thompson. See for example *News from the Land of Chivalry, containing the Delectable History of Don Roger de Strangemonto, Knight of the Speaking fiddle, which ran for three of its promised twenty-four numbers*.

³ F. Smith opened his first number 1st February with the high resolution which recalls L'Estrange's first news pamphlet, 'whereas both the public and the booksellers are frequently imposed upon in buying things twice; at first a sheet or two and afterwards the same again reprinted in Ben Harris, his *Domestick Intelligence*, this is therefore to assure the Reader that in this weekly *Intelligence* we shall avoid any such like clandestine practise of invading the proprietories of others and abusing the public'. Unfortunately Frank could not keep out of trouble, and in his first number prints the order to himself to attend the House for printing a *Noble Peer's Speech*. He was ordered for trial, but was *ignoramus*. Again in August he is up for trial before Jeffries (*Lords' Journals*, xii., 729b) in connection with the publishing of Colledge's *Race Show*. See L'Estrange's *Notes on Stephen Colledge*, pp. 13-15.

Besides his own paper, Frank Smith, in March, started in pursuit of the new *Heraclitus Ridens* with his *Democritus Ridens*, which Ben Harris had already answered in February with his *Weekly Discoverer*—in turn answered from the other side by *The Weekly Discoverer Stript Naked*.

The safety of these Whig journalists was bound up with Parliament, and the Oxford assembly was no sooner dismissed, than Harris was arrested on a charge of being present at the Southwark election for Parliament and 'of being frequent with sheriff Bethel', while Smith's paper drops four days before L'Estrange addressed the public in his first *Observer*, 13th April 1681. In other words, Frank had found his way back to gaol.

The thing that strikes us most is the consciousness of the Commons that the popular cause was bound up with the entire freedom of the Press, and that, a century before the prohibition on Parliamentary Reports was removed, these Whig Printers were allowed for a month or two to print the proceedings of the House with impunity.

The weight of numbers on the one side was balanced by the wit of the other. Flatman's *Heraclitus* was sufficiently witty and wise to be republished in two volumes duodecimo 1713. It displayed the lightness of touch and irony, which wit prefers in its combat with dullness, while the more weighty *Observers* long preserved their right of place in loyal libraries. With the exception of Harry Care's learning—and no wit¹—in the *Weekly Pacquet of Advice*, there is nothing to set against these Royalist journals, and when these were reinforced by the wits and the venal muse—who scarcely thought the moment yet auspicious—the disparity became so marked that even Shadwell and Settle appear insignificant attempts at makeweight.

One figure emerges during these troubles, obscure but important in the history of the Press. Robert Stevens, or Stephens, we remember as the man who was useful to L'Estrange against his old master Nat Thompson at the Libels Committee. As a reward for his services, and by reason of his knowledge of the secret paths of the Press, he was made a Press Messenger, at the time when North tells

¹ So the Editor of *State Trials*, vol. vii. (1713): 'In the argumentative part of the work there is much historical and controversial learning. In the other parts the attempts at wit are but rarely successful'. Defoe took another view when he made the *Weekly Pacquet* the prototype of his *Review*. See chap. viii., 234.

us it was decided to augment that service. Now Nat was also working on that side. Stevens became a marked man to the Whig printers, and as Scroggs' instrument in delivering those warrants—against Harris, Smith, Care, etc.—which afforded matter for an impeachment, he participated in the Commons' wrath. Since then the Printers regarded him as their prey.

In February Lee, Smith, and Harris heard that Stevens had a warrant from the Council to arrest them in connection with a peculiarly evil libel *The Vision of the Maid*, the offence of which was a prophetic threat that if the King persisted in removing the Parliament to Oxford, he would be poisoned on 15th May. Thinking it best to anticipate matters, on the old charge of invasion of their liberties (by Scroggs' general warrant) at eleven at night, taking a constable they repaired to Stevens' house with the threat: 'We have good Sheriffs and good *juries*', mentioning their authority. Stevens said—through the door evidently—'Damn your authority'. The interest of the case is that in July—whilst the good Sheriffs and juries lasted—when the charge was examined with the *dumning* thrown in, it was the use of Jeffries' old warrant for the seizure of *The Royal Charter of Confirmation granted by Charles I.*, and also of a new warrant (6th July) for the arrest of the hawkers who sold an answer to *His Majesty's Late Declaration*, that was advanced against the Messenger. Stevens in vain protested that he had already answered to Parliament for the Scroggs misdemeanour¹, and retorted that 'his general warrant was good enough against Mrs Cellier and Mr Turner, the popish bookseller'². The Whig journalists were in league with the Whig sheriffs. Harris had suffered for sheriff Bethel the previous year, and now in return Bethel, willing to satisfy Ben's humour of revenge on the Messenger, 'was very unwilling to have any abatement of the Fine, for F. Smith and Sam Harris' sake, by reason they are of the same club'. In addition, Stevens was fined £20 for using Jeffries' warrant against a pamphlet

¹ Amos (*Eng. Cons. in the Reign of Charles II.* (1857), p. 245) prints a copy of Scroggs' general warrant, addressed to the Messenger, 29th November 1679. It names neither libel nor printer.

² Hallam truly remarks (*Cons. Hist.*, p. 613) that the impeachment of Scroggs having fallen through, 'no check was put to general warrants, at least from the Secretary of State till the famous judgment of the Court of Common Pleas in 1764'.

(June 1680) on the *Proceedings of the Common Hall about Choosing Sheriffs*.

But the days of good sheriffs and good juries were drawing to a close and with them the fortunes of the Whig party and its Press. With the entry of Sir John Moore in October 1681 on his mayoralty, and the iniquitous election of Sheriffs North and Rich the following Midsummer, a new era of repression was in sight. Stevens was, however, one of these unhappy men who order their conversions badly. Scarcely were the new authorities in the saddle when Robin changed 'most senselessly' to the side of the persecuted Whigs, and thus encountered the revived and augmented authority of the Surveyor.

The latter had, as we saw, ventured to return to London during the early days of February 1681, where he was greeted with a fusilade of not very kindly greetings¹. Though suspected of *Heracitus Ridens*, he really did nothing till his neck was safe—that is, till the Oxford Parliament was dismissed. Then he delighted his world with the first part of *Dissenters' Sayings* and a week or so later the first number of the *Observer*, just when Smith and Harris were perforce closing down². There were still, however, in the work of the Janeways, Curtis's, Benskins, and Baldwins quite enough to answer, and so long as Slingsby Bethel and Cornish remained sheriffs and Sir Patience Ward, Mayor, the balance of danger, despite the Court, really lay on the other side, as is shown by the successful prosecution of Stevens and the presentment of the *Observer* and Nat Thompson shortly after, whilst Colledge and Frank Smith as we saw were triumphantly *ignoramus*d.

It was the threatened presentment referred to which called forth the second part of *Dissenters' Sayings* and—from the point of view of the Press—the equally instructive *Word Concerning Libels and Libellers*, addressed to the new Tory Lord Mayor, Sir John Moore, no less than an attempt

¹ Their numbers are too great for quotation: see pp. 256-264. It should be noted that besides *Heracitus*, he was suspected of the answer to Essex's Speech (to the King, asking that the Parliament might be held at Westminster) which Nat Thompson, 'that shore for disemboquing Popish venom', certainly printed.

² 'To set up counterwriters' was North's advice. The *Observer* and *Heracitus* 'soon wrote the libellers out of the pit'. *Lives*, i., 200. So Eachard, i., 1009.

to give his Lordship his cue in regard to the treatment of the Whig Press¹.

In the matter of topics which agitated the public mind during the period of the Oxford Parliament, it is easy to choose out one or two which had in them the possibilities of Civil War. The alarming and semi-military circumstances of that assembly gave the Tory journalists the occasion to talk rebellion. Indeed, if we may, from *A Word Concerning Libels*, judge the forces brought into play on that occasion, we must endorse the opinion of those historians who think that Civil War was only avoided by the adroitness of the King in suddenly dissolving Parliament. These forces consisted of — as was borne out at the trials of Colledge, Hetherington, and Shaftesbury — an unparalleled freedom of speech in all assemblies, an organised use of the Penny Post² for circulation of inflammatory tracts and menaces, the circularising of London, dropping of treasonable bills in convenient places, and prophecies of dire catastrophe.

It was suspected that all these motions in the Press and private and public canvass were strictly organised by the leaders of the Faction, and at a signal given, the whole riot of agitation would change its objective. To-day we are familiar with those methods as the ordinary tactics of party warfare. But in 1681 they were regarded by people like L'Estrange³ as portentous signs of commotion, and the first stirring of the Protestant Plot, which, it was eagerly hoped by the Court, would eclipse the old Plot.

Of these signs the most alarming was the organising of Petitions and Addresses over the length and breadth of the

¹ 'While those libels go scot-free, the authors and publishers of other books and papers (i.e., *Observer* and *Heractitus*, and Thompson's *Intelligence*) whose business is only to vindicate the Government from the forgeries, calumnies, malice and sedition of the daily libels of Care, Curtis, Janeway, Baldwin, etc., are *Presented* and the *Bills found*; as Mrs Brome particularly, for the *Observer*, by a certain grand-jury who, according to their oath, could neither see nor hear of anything on the other hand, while yet at the same time almost every stall is covered and every coffee-house furnished with newspapers and pamphlets (both written and printed) of Personal scandal, Schism and Treason'. See *Kenyon MSS. (Reports, Commissioners, 34, p. 129)* 1st September 1681. 'Presentments were made against Thompson, *Heractitus*, and Mr L'Estrange, and the bills found against them'.

² The Penny Post established in 1680 was charged by both sides as the vehicle of sedition. 'The Project for carrying letters for a penny a letter so often mentioned in the *Intelligence* is, as Dr Oates says, a further branch of the Popish Plot. It is the most dexterous invention of Mr Henry Nevil *alias* Paine'. Harris' *Protestant Intelligence*, 27th March 1680, denied in Nat Thompson's *Intelligence* of 2nd April 1680.

³ See L'Estrange's *Word Concerning Libels*, etc., pp. 2-4.

land. Tory writers hastened to warn the country that by such means the Civil War had been introduced¹.

London's Petitions in particular sent men's minds back to 1640 and 1659 when her sullen attitude, her Prentice Riots, and refusal of subsidies, had decided the cause against the then rulers of England.

It was noted that of late her Common Hall meetings had altogether neglected their proper business and resounded with impassioned speech almost wholly on one side. At first the Court ignored these omens, relying on a policy of suppression applied at the right time; but when *Ignoramus* juries protected the seditious, and the Secretary's warrant was no longer, since Scroggs' impeachment, of the same validity, they had perforce to use the weapons of the enemy and appeal to the same quarters and passions. Opinion must be tapped at the source, such demonstrations as roasting the Rump must be revived, loyal gentlemen must once more descend among the Prentices, and by feast and flattery win back their noisy loyalty, 'abhorring' addresses must be anyhow concocted to meet the lying reports of Parliamentary Petitions which filled the columns of Whig journals².

In this work the *Observer* was an invaluable agent. Its author might be heard admonishing and encouraging the loyal apprentices at Sadler's Hall, as he had done more furtively but in the same cause twenty years before. Venison from Windsor regaled the youths.

From Bristol, Norwich, etc., came news of rival petitions, discredited on the one side, and regarded as the unanimous voice of the community by the other³. The obligation of annual Parliaments, the right of Petitioning, the raising of the Militia in the West, became the burden of Whig talk, and found their way into tumultuous petitions, and, more dangerous, the proscription of all who impeded

¹ So *Observer*, i., 36. The Parliament of 1640 was ushered in by three Petitions (1) At York by twelve Lords calling for a Parliament. (2) In the name of the City of London. (3) By the Scots to the same purpose, and another from thousands of poor tradesmen in London, complaining of the decay of trade *by reason of the Bishops' and Popish Lords' Votes in the House of Peers!*

² 'Let them lie and accuse till they are weary while we declare at the same time, as may be done with demonstration, that all they say is false and unjust'. North, *Lives*, i., 200. North (Lord Keeper) himself prepared some notes for a pamphlet, preserved in the *Examen*.

³ See the *Loyal Intelligence*, 17th April and 19th May 1681. 'At Hampton Court (19th May) the Petitions were gone into and most especially that of Windsor commended'.

the free sitting of Parliament was now appended to the petitions from York, Taunton, Southampton, etc.¹

As to the particular causes, there was the excitement of Fitzharris' case which had blocked the Oxford proceedings, and whose fate it was to be claimed as a victim by both parties. Later, when Fitzharris was removed after a confession favourable to the Court, extorted by the imminence of death, the trial of the Protestant Joiner occupied the public mind from June to August, and raised to the pitch of frenzy the questions of the duties of Grand and Petty Juries, the legality of a second trial with a change of venue, and lastly the whole question of the inhuman conduct of Treason Trials. There was also the dark figure of Shaftesbury behind. Although the Government selected the minor victim first, it was not doubted that the 'dangerous pilot' would soon stand for his life.

A glance at the *Observer* from May to July will show with what desperate zeal L'Estrange flung himself into the turmoil, and how far he outdid the merrier *Heraclitus*. His ferocious temper had been rendered more vicious by his late exile, and by the howl of derision that greeted his return to London. In July we are rather amused to find the author of the *Observer* appealing to Sir George Treby, Jeffries' successor in the Recordship of London, for protection against the Whig junto in the Press².

July, the month of Colledge's acquittal, was the critical moment in the struggle between the two great parties, between the Abhorrrers and the Addressers. We have two letters, one from his patron, the Earl of Yarmouth, to

¹ Janeway's *Vox Patriæ*, quoted in L'Estrange's *Word Concerning Libels*, etc. When M. Beljame says (*Le Public et les Hommes de Lettres*, p. 172) that the newspaper 'n'étant pas entré dans les mœurs, manquait de lecteurs' and 'Les Journaux d'opposition n'avaient qu'un droit de parole précaire, parmi ceux du Gouvernement, la Gazette de Londres ne discutait pas, et l'*Observer* ne discutait qu'avec l'approbation d'en haut. Une telle presse était une lecture peu froide', etc., he is contradicted by North, Eachard, and others, who attribute the turn in the popular tide primarily to the *Observer*, *Heraclitus*, etc. Eachard, i., 1009: L'Estrange and *Heraclitus* with some others 'were thought to have stemmed the tide of a popular current, which with a little more help and success, might have been very pernicious'.

² The appeal was, of course, vain: though Roger declared that Sir George had given him all the satisfaction a gentleman could expect. *Observer*, i., 21, 22, 8th and 11th June 1681. The enmity between L'Estrange and Treby (who has been described by North (*Lives*, i., 275) as 'no fanatic, but of the fanatic party as true as steel') was of later growth, and arose from the refusal of Sir George to admit L'Estrange to a view of the Lord Russell papers, when he was briefed by the Court to write his *Considerations on Lord Russell's Printed Speech*.

Sir Edward L'Estrange of Stanning Hall near Norwich, dated 5th July 1681, and the other from Roger to the Earl on the day of the return of Colledge's *Ignoramus*, both of uncommon interest in connection with the crisis. The Norwich Loyal Address had been one of the earliest to reach the King, and Yarmouth was very anxious to follow it up with such a present from the gentlemen of the county as would shame the late Parliament. At the same time, as Lord-Lieutenant, he had his eye on the factious Justices of Peace, and hopes with the aid of the Lord Chief Baron to get those ejected 'who will not swear'. Shaftesbury, we are informed, 'was brought from the heart of the City to his examination by two single messengers and sent to the Tower with as slight a guard, no man taking notice of him'¹.

L'Estrange's letter deserves fuller quotation on account of his later connection with the fate of the Protestant Joiner.

'8th July 1681.

'MY LORD,—It is now half twelve, and yet I cannot but give your Lordship some account of this day's work. The jury brought in *Ignoramus* upon Colledge in the teeth of four point-blank evidences and a fifth strong presumption of Sir William Jennings', to the amazement of both Court and Assistants, and the rabble ready with an acclamation upon the event. The points in evidence no less than a design to seize the King and force him to a compliance, or serve him as they did his father; and so to root out that lewd family. A provision of arms, declared and confessed, and upon a bloody-nose at Oxford, a proof of Colledge's saying that ere long there would be more blood spilt in England².

¹ *Add. MSS.*, 36, 988, f. 166: 'I am so flattered at the thoughts that the design of a present will fail, that it troubles me . . . as we have the credit to outdo and to have foredon all the nation in their addresses (which has been exemplary to other countries) so could we be so lucky as to turn words into coin in gentlemen's proportions, we should be a lucky county'. It is interesting to reflect that Norwich burned Harry Care in effigy (*see* Care's *Papish Courant*, iii., 207). The City was not so loyal, however. It lost many of its best citizens who emigrated to Holland this year for conscience sake (*see* *A Modest Answer to Dr Dose's Sermon*, 1682) at the same time that French refugees were seeking in it an asylum from Louis' tyranny. Hence some true-Protestant jeers.

² *See* Roger L'Estrange's *Notes upon Stephen Colledge*, which went into two editions this year (1681). The authorship and printing (by Frank Smith) of the rude ballad *The Ruric Show*, which was deemed treasonable, are traced by L'Estrange (pp. 12-14) who had been promised 'Four pair of Gallows' in Colledge's 'learned drawings'. 'His vein lay much toward doggerel and designing', says Roger. Ralph, i., 627, notes that Colledge showed Dugdale the *Intercepted Letter to L'Estrange*, p. 2, note.

That they pretended to set up Monmouth, but only made use of him as a tool to serve their own turns with. The Session's dissolved, none of the rest bailed. And this is the best information I could gain upon the occasion. This abuse is so gross that I find many of their own part scandalized at it'.

(Here follows a curious suggestion *in a different hand*, but signed R. L. S).

'MY LORD,—It is a great pity that His Majesty has not some instruments of interest and credit among these people to keep them within compass. Not but that there are many considerable and loyal gentlemen in the City, but not of such power and authority among these hot-headed fellows. Methinks your Lordship might find some way to engage Sir R. Cl(ayton?)¹ who, as I am told, might be a very useful servant to his majesty upon the juncture, *if he were but sweetened a little*. For all men almost agree, he is right in his judgment. Your Lordship will forgive me these presumptions, as proceeding from my zeal to his Majesty's service. I promised to render your Lordship the best account I could get of this affair, and how late soever, I have rather ventured to strain a point of good manners, than to break my promise.—I am, My Lord, Yr. Hon.'s Most Obedient Servant, R. L. S.'²

The malevolence of the *Observer* towards Colledge, the darling of the Faction, and the running exposure of the methods of Petitions, and comment on the City Petition, had raised the clamour against him to the heat of the previous October. *Observer* No. 27 contained a really humorous skit on Whig Petitions³, which irritated them beyond endurance, and as the last act of their effective hate the three Tory journals were on 31st August, the day on which Colledge was hanged at Oxford, presented by the Grand Jury for London, and true Bills found. It was in the Justice Hall of the Old Bailey, that Thompson, Ben Tooke (publisher of *Heraklitus*), and Joanna Brome (publisher

¹ The 'trimming' Mayor who for his refusal to repeal certain bye-laws and so keep out Moore was to be punished by the Rye Plotters (*State Trials*, ix., 420).

² *Add. MSS.*, 36988, f. 168.

³ Repeated in the *Word Concerning Libels*, etc., pp. 12-13.

of the *Observer*), were presented for 'maliciously printing and publishing . . . three scandalous and seditious papers and libels . . . tending to the Advancement and Introduction of Popery, and to the Suppression and Extirpation of the True Protestant Religion within His Majesties realm'.

The date of this presentment coincides with Oates' significant ejection from Whitehall. Three days later an order of Council dismissed him from further attendance on the Board. Already the King's evidence was dropping to pieces, the more wary vultures—Bolron, Mowbray, and Harris—preparing for that defection, which completed the ruin of the Plot and its promoters.

Nothing had angered the Faction more than the attacks of these indicted journals on the *Ignoramus* juries, which were, as we saw, the boast of Harris and Smith and by whose action (to quote *Heracleitus*)—

'Those laws that should secure thy (Charles') life and reign
By treacherous *Ignorami* are made vain'.

Equally obnoxious was L'Estrange's demand for the jury's reasons for their verdict, and his refining on the duties of Grand and Petty Juries. The duty of the former was merely to certify that the matter alleged was sufficient ground for a trial. The Petty jury decided on the evidence. But though Wilmore, the foreman of Colledge's London jury, was reported to be preparing reasons to meet the criticism of anxious enquirers like L'Estrange, the reasons were never forthcoming, and the news of his arrest *before* Colledge's second trial is a shock to our notion of the sanctity of Justice. Especially hypocritical is L'Estrange's constant talk of Justice arraigned by the mob, when he himself excused such violence.

The second part of *Dissenters' Sayings* (29th August 1681) is dedicated with bitter sarcasm 'to his unknown friends the Grand Jury of London', and attempted to refute the charge that he had made odious reflections on the Common Halls and Common Council of the City. But while he pays lip-homage to 'this famous City', he cannot forget the late Rebellion, 'when the fanatic rabble tore the Government to pieces by the same methods that are now presented and practised again by hundreds of inflammatory libels'. Some score of them with notes and comments and publishers' names he presented as we

saw to the new Mayor on his entry into office in October¹.

It should be remembered that although by October most of the Whig papers had closed down, scarcely a day passed but their printers contrived to vent some new single-sheet libel. And this class apart altogether from the more substantial libel. There was one of this more ambitious class published by Baldwin, to which Roger gave the place of honour in his Lord Mayor's list. It was *The Rights of the Kingdom or Customs of our Ancestors, touching the Duty, Power, Election or Succession of our Kings* — 'a gallimaufry of fragments', says Roger, 'first published in 1649 in favour of Cromwell's proceeding and Government, the main stress of the discourse resting on these two points, first—the late King was lawfully put to death, secondly—that the English monarchy is not Hereditary but Elective'.

The Rights of the Kingdom is one of the earlier of a new series of learned sedition in which the hand of the exclusionist lawyer was plainly discoverable, and which made L'Estrange rightly conjecture from 'several sly variations and additions and many things omitted in the latter copy, that this is not the work of a bookseller or printer for profit, but a regular and industrious disposition of matter for some other purpose'. So with the *Narratives of the Fires*, and Reprints of the ever-fresh *Painter* series of satires², once more appearing to alarm the Protestant vulgar.

The publishing of the above work was denied by Baldwin in Janeway's *Mercury*, but the taking of 'one or two of Baldwin's servants at one o'clock on a Sunday morning, posting up the title-page' went far to discount the denial.

It is clear that with the publication of such works, bearing the impress of research, and of Settle's and Fergusson's work alluded to, the discomfited Whig leaders were again

¹ The *Word Concerning Libels*, etc., is not later than October because, while it notices Settle's famous *Character of a Popish Successor* (published by Starkey), it makes no mention of Fergusson's equally famous *No Protestant Plot*, which came out in the second week of October, preparatory for Shaftesbury's trial in November. This work was thought to be Thos. Hunt's. See Arber, *Registers*, v., lv., 8th April 1682: 'Order of the Ap. of Canterbury to damask *Dowdman of Succession*, Hunt's *Postscript*, and Hunt's *No Protestant Plot*'. Hazlitt, *Bib. Collections and Notes*, 2nd series, p. 343, actually ascribes it to L'Estrange.

² See Smith's *Current Intelligence*, 21st February 1680.

directly resorting to the Press as in 1676-7 to repair the Party fortunes. The conviction that the King had done with Parliaments—at least for the three years' limit—was working havoc in the Whig mind, and with the Sheriffs' election of 1682, finally produced those councils of desperation which precipitated their ruin. We may remember it was during the last long intermission of Parliament, 1675-7, that a remarkable crop of constitutional libels appeared. The same fears now produced the same results, and history was ransacked to prove much more than the obligation of annual Parliaments¹. There were also the rights of juries, the law of succession, and presently the great case of the City, its Privileges and Charters, with the trump card of all—the right of the City to elect its own Sheriffs.

Whilst the grand jury of London plotted the destruction of the Tory journals in October 1681, it became equally important for the other side to silence the *Protestant Intelligences* before Shaftesbury appeared for his life at the Old Bailey. In the end, and probably as a result of L'Estrange's solicitation², the Council resumed a course which for obvious reasons it had not adopted since Scroggs was impeached. On the 17th October—Shaftesbury's trial was in November—four Whig Pressmen, Baldwin, Vile, Janeway, and Hancock, the men marked out most prominently in *A Word Concerning Libels*, with one Popish printer thrown in to make the list look impartial, were summoned to Whitehall. It was noteworthy that—following the example of the work just quoted—these men were not charged with the newspapers for which they were responsible, but with the seditious pamphlets which they issued, Baldwin for Fergusson's *No Protestant Plot*, *The Tendency of Addresses*, etc., Hancock³ for a work on the *Election of Lord Mayors*, etc.

The summoning of these men meant in effect the

¹ The Whig gibe (*Observer*, i., 83), that 'there were men employed to search Records and Histories to find out something more ancient than Parliaments, that may serve as a pretence to take away Parliament' was rather unreasonable in a party that revelled in Historico-partisan research from King Alfred downwards. The other point referred to—the despair in the Whig mind of a Parliament coupled with the successful attack on the City, was clearly responsible for the Whig conspiracy, if we can trust the confessions of West, Bourne, and the rest.

² In the *Observer* and his *Appeal to the Lord Mayor*.

³ Little Hancock (son of the Hancock examined by the Libels Committee, February 1677). His offensive trade was that of a newsletter writer and general penny-a-liner. He haunted the Courts and Whitehall, and supplied savoury news to the journalists, thereby incurring the particular hatred of L'Estrange. We find him in 1684 before the Council with his brother news-writers, when L'Estrange at last got the Council to attend to the dangerous trade. See chap. x., 329.

resumption of the rule of the Press by the Secretaries, and it was retorted that since *Heraclitus* and the *Observer* had turned the tables on them, they had begun to cry out against the monstrous liberty of the Press. They had failed effectively to cripple their opponents, and now it was their turn to feel the weight of an offended authority, which had been in abeyance since Titus Oates appeared on the scene. Their license was now challenged at the moment when Titus was expelled from the Court.

Thus with these four chief offenders under Council surveillance, 'infallible' Ben Harris in gaol, and reported to be making 'loyal discoveries'¹, with 'Elephant' Smith, and Dunton on the eve of flight for Amsterdam, there was cause for the deep dejection which fell on the Whig ranks.

On the 26th October the Sessions ended with true bills returned against the two sets of offenders in the Press, Whig and Tory. The Government had, however, to proceed warily. There was little hope of Tory juries till the swearing-in of the Tory Sheriffs in Michaelmas 1682, but already counsel was being taken, and parties preparing for the struggle which had narrowed down to the question of who should choose London's Sheriffs.

The trial of Shaftesbury in November is memorable not only for the feverish canvass of party opinion in the popular journals, but for the entry on the scene of a force which as students of literature we may deplore, but which for good or bad was to mingle with the muddy waters of politics for a century. The venal muse now thought it safe to appear on the scene. Dryden, Otway, Lee, Behn, D'Urfey espoused the Tory side, while Shadwell and, for a time, the uncertain Settle, did service for the Whigs².

¹ His repentance was perforce more thorough than on the occasion in 1680, when he appealed to Scroggs against the neglect of his own party. See p. 271. Luttrell, *Diary*, i., 127, 18th September 1681, notes that Harris has informed in hopes of Liberty.

² Beljame, *Le Public et Les Hommes de Lettres*, etc., p. 188, praises Shadwell's consistency when nearly all the others ratted. See Shadwell's *Dedication to Bury Fair*: 'I never could recant in the worst of times, when my ruin was designed and my life was sought'. Dryden (or Tate) celebrated L'Estrange in the second part of *Absalom and Achitophel* under the name of Sheva.

'Than Sheva none more loyal zeal have shown
Wakeful as Judah's lion for the crown
Who for that cause still combats in his age
For which his youth with danger did engage.
In vain our factious priests the cant revive
To enflame the crowd while he with watchful eye
Observes and shoots their Treasons as they fly'.

Another new element which grew out of the Prentice feasts was the periodic party dinner, with which an anxious Government scarcely knew how to deal at first¹. Nor was the matter of tolerating Opposition feasts settled finally—at least in Scotland—till the beginning of last century. The Government in 1682 was scarcely to be blamed for not recognising in these occasions useful vents for party feeling. It is interesting to find L'Estrange an increasingly prominent figure at the loyal feasts².

In the midst of these struggles the word went round that the intractable people on whom L'Estrange and others had lavished all their abuse, the Dissenters, were again to be persecuted³, and that scarcely twelve months after they had reached their highest round of favour when a Parliament had been dissolved for passing votes in their favour. At the same time their Apostle Oates was being chivied from post to pillar, his Doctorate denied, his very name hunted for in registers to prove him a forger, humbug, cheat, and worse. Colledge had done the Dissenters much harm; the unfolded page of Oates' life did much more⁴.

Now only Janeway's *Impartial Protestant Mercury*, and Care's *Weekly Pacquet* held on their way. *Heraclitus*, its work done, had laid down the pen. But L'Estrange had at last found his *métier*, and a vocation which not only attracted the applause, but the money of the Church and the Judges'

¹ *Heraclitus*, No. 65. 'The Whig feast, 'so insolent a riot', is quashed by order of the Government. 'I had a ticket given me by a friend and had set my heart on it, for I was told their dictator (Shaftesbury) resolved to be there *tho' he came in a livery*'. *Heraclitus* skilfully expatiates on the scene of the proposed feast, 'those Halls where some of them had sate before in great pomp as they were like to do now, in committees for sequestration. I don't doubt but the grand Cabal chose those places—to call to their remembrance those glorious times, etc.'. Luttrell (i., 212) 'disliked the Tory feasts because the Court thought fit to prohibit the late feast of the Whigs'. He gives a list of ministers, etc., present at the great Tory feast of 9th July 1682. The date of the prohibited dinner was 19th April 1682. For a copy of a ticket to one of these Whig feasts, see Sitwell's *First Whig*, pp. 121-2. Luttrell, *Diary*, i., 182 and 212, has a good deal on this subject.

² Macaulay, chap. iv., quotes the *Observer* to show his prominence at the Fountain Tavern dinner on the eve of James II.'s first Parliament.

³ Bohun (3rd part of *Address to the Freeman*, pub. 15th October 1682) urges the King, since no money is to be had from factious Parliaments, to fill the Treasury by putting the laws against Dissenters to the utmost stretch. Nor was he alone.

⁴ *Observer*, i., 89: 'And now they are hunting of registers for Dr Oates' baptism. Why they'll tear the man limbe-meal before they ha' done with him. Not Dr Oates cries one, not Mr Oates says another, and now they will not allow him to be so much as Titus Oates'.

Bench¹. He had come back from the Hague poor and out of favour. Murmurs of the old Cavalier reproaches at the Court, both that it let him starve and failed to protect its servants, escaped him. But these were early days. By February 1682 he was sunning in Court favour, the flattered of literature, for not only D'Urfey and Behn—not to speak of Nat Thompson's rhyme—but even laurelled Dryden stooped to call him fellow-worker².

He looked for a resumption of those laws and that office which had made him once dreaded. Altogether at the age of sixty-five, things stood brighter with him and his party than a year before, lurking in Edinburgh, he had any reason to expect.

Such was the aspect of affairs when the issue of the struggle of the Sheriff's election, and the more ominous rumble of the Rye House Plot, apprised the nation that the Whig chiefs had had recourse to methods which in the event of failure could only bring ruin, swift and complete.

¹ For a (hostile) list of Roger's emoluments at this period, see *New News from Toryland* (printed for S. Norman, 1682): 'Who would not be the Danae of an *Observer* to be courted in Golden showers? From Cambridge, £250; from Oxford, £200; from Norwich, £170; from Salisbury, £90; from Bristol, £100; Madam Joanna's yearly tribute, £150; summa totalis, £960'. Wood (*Life and Times*, iii., 26), August 1682, notes the gift of £200 from Cambridge, from 'Lord Norrys and other gentry' £100; from Magd. Coll., Oxford, £20 (iii., 83), a collection by the Judges.

² See, besides the tribute in *Absalom and Achitophel*, his *Epistle to the Whigs*. Thompson's 183 *Loyal Songs* (1683), contains many references to L'Estrange, and at least one lyric:—

'Here's a health to L'Estrange and the boon *Heraclitus*,
And true Tory Thompson, who never did slight us,
Not forgetting Broom, Paulin, and Alderman Wrightus
With Tony and Bethel, *Ignoramus*, and Titus'.

CHAPTER X

(1682-4)

THE PRESS AND THE RYE HOUSE PLOT

IN enumerating L'Estrange's services to the Crown, one circumstance cannot fail to strike us—that he first appears as an intruder whose services, valuable as they might be, were in part unwelcome because discounted by a violence which Charles' sagacity told him was unwise. It was different when James II. became King. From the first as the relentless pursuer of the Oates gang, he was accepted at his own valuation, and urged to press forward those schemes of vengeance which marked the first few months of that revengeful reign. But with Charles II., it was by dint of constant hints, reproaches, and intrusions that our busy pamphleteer worked himself into any employment at all. It was never in Charles' nature to go out of his way to save a servant, and while Scroggs had remained to face the storm of the winter 1680-1, to be finally discarded, L'Estrange, equal in popular odium, had been driven into exile by the Council over which Charles presided. When he crept home no murmur of welcome reached him from the Court to soothe him for the gibes of his enemies. His devoted *Observer* was allowed to be baited by Protestant Grand Juries, and his complaint that it was easier to write up sedition than loyalty recalled the days of the *Caveat* and the *Apology*.

Colledge's trial and death made a difference to which Shaftesbury's acquittal in November was a mere temporary offset. The Protestant Joiner had been symptomatic of all that the term *dissenting Whig* conveyed. His religious frenzy, his association with Oates and Shaftesbury, his cartoons and crude ballads against the Church and the

Pope, his tavern speeches and songs, and above all his constant use of the word *Protestant*—made him the darling of the Faction. His two dying speeches left a belief in the public mind that at last a *Protestant* martyr had suffered¹. L'Estrange was called in a month after his death to silence these doubts. The Colledge papers were put at his disposal, those prepared by Aaron Smith which Lord Chief Justice North had taken from him, and the miscellaneous bundle of *Raree Shows*, and *True Protestant Ballads* by which this judicial murder had to be vindicated. Without attempting to measure the degree of success which Roger achieved in his *Brief Notes on Stephen Colledge*, it is sufficient to say that his attack on the memory of one who had made him the butt of his rude ridicule², made it impossible for him to maintain the decorous attitude prescribed *de mortuis*³. The performance no doubt pleased the Government, for it is the first of a series which finishes with a witless attempt to cope with Halifax's powerful *Letter to a Dissenter*, 1687.

In the Shaftesbury trial the *Observer* is obviously briefed by the Government to attack that fallen chief in prose, as Dryden was demolishing him in famous verse. From this time onward, there is not a branch of English politics but receives some illustration from the pen of the *Observer*. And no movement does he so fiercely urge forward as the work of renewed persecution, undertaken in the month of Shaftesbury's acquittal. The word seems now to have been passed round that Parliament was a very remote possibility, and the King's Declaration had been taken as an announcement of non-Parliamentary rule. Caution was therefore thrown to the winds. The

¹ Long remembered as such. See Chas. Lesley's *View of the Times* (1708), No. 124.

² See chap. ix., 260, note. *Brief Notes*: 'I should be ungrateful if I did not acknowledge the honour he (Colledge) has done me in divers of his emblematical pieces. He has presented the world with six Towzers and L'Estrange with four pair of gallows'. He may have been the author of *The Intercepted Letter to Roger L'Estrange*, which F. Smith printed. Dugdale's evidence at his trial, Ralph, i., 627. See *State Trials*, viii., 595. Dugdale produced the *Intercepted Letter* of which 'Colledge told me he was the author', the printer being Curtis or his wife, who 'cheated him of some of the gain'.

³ Macaulay (i., 192, Popular Edition) speaking of his pursuit of the Rev. Wm. Jenkins who died in Newgate, is more severe—'From the malice of L'Estrange the grave was no hiding place, and the house of mourning no sanctuary. Such was the spirit of the paper (*Observer*) which was at this time the oracle of the Tory party and especially of the parochial clergy'. See *Observer* for 29th January 1685.

year did not end without an adventure which recalled his peril of the previous year, and which was taken to show the desperate straits to which the Oates Party was reduced. It may be remembered that the chief charge advanced against L'Estrange in October 1680 was an attempt to suborn young Tonge against the King's evidence. On that occasion he says: 'Upon two full hearings before his Majesty and Council (in despite of all that Oates could say and Tonge could swear against me) I had the honour to be twice acquitted by the unanimous judgment of the whole Board'¹. L'Estrange, as we saw, pretended, and Dr Choquex and Captain Ely² (Tonge's physican and manager) had borne him out, that the accidental circumstance which brought L'Estrange and Tonge together was a curiosity on Roger's part to know from Choquex something of Rupert's achievements in the wars in Flanders. Newcombe, the publisher of the *Gazet*, had introduced him for this purpose. Young Tonge's original charge against his father and Oates, it need scarcely be added, was that of collusion and fabrication of all those lying narratives, Windsor Letters, etc., which were the Plot. So often did he affirm and deny his evidence that the disgusted Court had allowed him to lie in Newgate during the whole of 1681, where he was reduced to a very miserable condition. Towards the end of the year, all hope from the other side being lost, it was rumoured that he was in a mood to make a contrite and final confession. His confession would have been very welcome to the Court as a justification of the new severity adopted against the Dissenters, and especially as a vindication of their treatment of Colledge, who was in close association with the 'evidence' gang³. But it was not to be bought at too great a price, and nothing was to be done to alleviate Tonge's misery till all was drawn out of him. In short, the rather mean

¹ *Shamner Shammed* (1682), chap. ix., 46, 52; Prance, *L'Estrange a Papist*, p. 29; Luttrell, *Diary*, i., 39; *L'Estrange's Appeal humbly submitted to the King and the Three Estates* (1681), p. 33.

² Tonge in his Narrative dated 10th December 1680 (but 'held up in lavender' for the Oxford Parliament), imputed the subornation mainly to Ely who belonged to the Earl of Chesterfield, whose Countess was once L'Estrange's patron in the matter of free postage. He blamed L'Estrange merely for abusing him in *Zekiel and Ephraim*. See the whole perplexed intrigue in *H.M.C., App. ii. to the 11th Rept.*, pp. 247-9, *Zekiel and Ephraim*, and the *Shamner Shammed*, from which, apart from the newspapers, the information following is chiefly drawn. L'Estrange had already befriended the Catholic Choquex by clearing him of a charge of being found with fireballs in his house.

³ Old Tonge lived his last months in Colledge's house and died in his arms, 1680.

course was adopted of extracting piecemeal, all he knew or could invent—it mattered little which—with very little intention of doing anything for him.

The first overture however, came from L'Estrange¹. 'This good time', *i.e.*, the Christmas Season, was made the excuse and charitable occasion for a letter to Tonge from 'Your Loving Friend, R. L'Estrange', 27th December 1681, in which the latter suggested that 'Oates and Colledge had the handling of him before he gave his evidence' against L'Estrange in 1680. 'I ask no questions nor do I desire anything from ye', the writer lyingly says, 'though I should be glad to find any instance of your conversion and that the Truth of the whole matter might appear'. In other words, L'Estrange sought to clinch his *Brief Notes on Stephen Colledge*, and to show to the world the cheat of the conspiracy against him in October 1680.

This mischievous letter had the desired answer from the King's Bench Prison on 30th December. 'If you had known how I was used by my uncle first, and afterwards by Colledge and Oates to force me to accuse you falsely, you would sooner have pitied my weakness and forgiven me what I have done against you'. Enclosing a petition to the King, to be presented by L'Estrange, he asks the latter to intercede for him, and affirms that 'the Plot was contrived by my father and Titus Oates, when he returned the second time beyond the seas; my father and he writ much of it out of (Houselife)² Queen Elizabeth, and out of the book writ

¹ An important point, Roger North (*Essays*, p. 271) was good enough to take the view that the intrigue was from the first an attempt to entrap L'Estrange. 'After Dangerfield's sham, Symson Tonge, son of the famous Dr Tonge, put himself in the way of trade by endeavouring to trepan somebody or other and seemed to level most directly at Sir Roger L'Estrange, but the old Knight was so plot-learned, that nothing would fasten upon him. But yet he was nettled at the attempt and the encouragement and assistance Tonge had from the Faction in all their News and Pamphlets, by which they sought to defame him as much as if he had been a shamplotter in earnest, and thereupon he gave himself the trouble to print in a quarto pamphlet entitled *The Shammer Shammed* (1681), the whole transaction adorned with all the circumstances. And any one that would observe the low politics of this sort may see there a complete process of such knavery. This young rascal had sworn Oates' plot construed by his father and then unswore it again to and fro. But in gaol, the saints made ample provision for him in diet and clothes'. L'Estrange says (*History of the Times* (1687), chap viii.): 'In December 1681 there came a person to me from Young Tonge in the King's Bench', but of this no mention in the *Shammer Shammed*. We may perhaps regard it as one of his 'falsifications' complained of by Mr Pollock (*Popish Plot*).

² Holinshed. Probably the first and second volume of *Chronicles, first collected by Raphael Holinshed now newly augmented 1586, by John Hooker alias Vowell, Gent.* It is singular that L'Estrange could not identify this work from Tonge's description.

by Hooper or Hocker, that came from Rome and swore against Campian and the other Jesuits. . . . They (Oates and Tonge) first writ at . . . where the "Plot" was written by Oates in Greek letters, and afterwards went to Fox-hall, and one of the Jesuit's letters in my father's hands'. The Petition to the King blames the wicked uncle for debauching him, and accuses Colledge¹.

L'Estrange's answer to this pitiful appeal places it beyond doubt that he was cruelly playing with his victim. 'You must be more particular and clear before I presume to undertake the office', *i.e.*, of intercession. He indicates the points where discovery would be desirable.

Without noting all the letters of this correspondence in which suspicion on both sides prevailed, it is sufficient to say that on 11th January L'Estrange closed the correspondence, after a final appeal from the wretched youth², with 'I dare not presume to trouble the King in your affair'.

Meanwhile, after the receipt of Tonge's second letter on 2nd January, the thing had taken air in Nat Thompson's *Intelligence* in the form of a complete confession by young Tonge, in confirmation of which a letter of the latter to Nat was published in the *Intelligence* of 19th January. The negotiations having fallen through, the Plot party awoke to the dangers of the intrigue, and seemingly made a bid for the final denial of this extraordinary being. 'He was taken one day out of the Prison by a Printer, and at his return talked of something to be published toward the middle of the next week concerning L'Estrange. This visit put him presently into clothes and money in his pocket by a providence which must be left to time and further scrutiny to unriddle'.

Now the whole party was alarmed. The *Popish Courant* for 6th January is loud with angry cries of a new subornation by L'Estrange. The Printers' visit — Curtis or his agent — bore fruit on 19th January in the form of Tonge's *Vindication against the Observer*, published by Curtis and

¹ 'When your Petitioner was committed to Newgate, Colledge came to him and by threats and promises forced your Petitioner to deny the Truth'. *Humble Petition of Simson Tonge. Shammer Shammed*, p. 26.

² 'I have a great cold with sitting on the ground to make peggs, as I do all the week and must work very hard for three halfpence a day, which is all I have. I am barefoot and almost naked'. Tonge to Roger L'Estrange, 10th January 1682.

written doubtless by Care. In this *Vindication* we have notice of Tonge's *Narrative of the Plot* printed a year before in December 1680, and held over for the Oxford Assembly¹.

The issue of the whole affair was, as we saw, a renewed appeal by L'Estrange for the protection of the 'generous and loyal governors' of this City from 'at least 300 scandalous, rank and notorious lies that these several wretches have published bareface against my single self'. From the *Observer* we gather that this appeal was 'taken into debate by the Lord Mayor and Court of Aldermen on Thursday last,' i.e., 9th February 1682².

This business had scarcely deserved the importance given to it here, had it not illustrated the despairing methods of the Faction to keep alive the Plot and destroy the chief agent of the Tory Press.

Another affair — that of Prance and L'Estrange — is spread over the entire year and the next, and forms the most tedious digression of the *Observers*. To hunt down Oates and Prance is the task to which Roger had already dedicated himself, and to understand the hate, the persistence, and the detail with which week in, week out, he pursued these wretches, we must recall those dark days in October 1680 when they swore him into exile before the Council with which it was his ambition to stand well.

Since then, Prance had from time to time, as a *habitué* of the Taverns, made various incursions and gibes against L'Estrange, and in April of this year (1682) as a reply to a new story of his villany which the *Observer* was serving up with much iteration, published an attack on L'Estrange, re-affirming all the old charges. Without going into the endless scandal, it is sufficient to say that the *Observer* accused Prance of having, in 1672, when he was employed as the Queen's silversmith, to make a silver antependium for the altar at Somerset House, substituted

¹ This narrative, with its order to print dated 2nd February 1681 was somehow stifled. L'Estrange was informed that several copies of it were dispersed to divers members of that *Convention*. See *Shamner Shammed*, p. 4.

² To Sir John Moore and his Tory Allies.—*A Word concerning Libels and Libellers* (1681). See *Observer*, i., 100, 18th February 1682.

'*Whig*.—Yes, yes, I heard a talk of such a letter, but I suppose it is a private thing, for my bookwoman told me there were none of 'em to be got.

'*Tory*.—The Newspeople, ye must know, are most of them of counsel for the other side. In short, by hook or by crook, that letter is to be stifled'.

brass for silver screws¹. There were some other obscure and ill-vouched-for stories of fraud which L'Estrange circulated against Prance to destroy his credit as a tradesman, but in the meantime he prudently left it to Nat Thompson to reiterate Mrs Cellier's stories of the torture used by Shaftesbury to get Prance to toe the Plot line in the winter of 1678-9. When it was no longer dangerous, and after Nat and his accomplice had stood in the pillory for their attempt on the life-blood of the 'Plot', Roger took over the story and made it the foundation of his final exposure of the mystery. But at that time, even Mrs Cellier who first—after Castlemaine—took this dangerous line, was enjoying her pension from James II.²

It is not necessary to discuss the part allotted to Prance in the Plot, further than to say that without his evidence the Somerset House theory of Godfrey's murder fell to pieces—Bedloe, the only other witness of that branch, being dead—which explains the venom and zeal with which Tory pamphleteers fastened on the weak points of his evidence, and the part played in Prance's case by the torture chamber. But we are to imagine during 1682, when the balances between Plot and Fraud were still fairly even, though steadily inclining towards the latter, the incessant and jarring encounters between L'Estrange and Prance in Coffee-houses, taverns and wherever the two met, even when L'Estrange drove past the silversmith's house. Prance's business also rose and fell with the credit of the Plot, and his bitterest complaints were that he suffered financially from the *Observer's* persecution³.

¹ A *Psalm or Song for L'Estrange* to be sung in all Coffee-houses (quoted *Observer*, i., 129).

'An anti-Protestant is he
That will no Popish treason see
But silver head with brazen screw'.

See *Observers* for April 1682, i., 117-25.

² *Secret Service—Charles II. and James II.*—Camden Soc., Pub. January 1687 and April 1688, Mrs Cellier got £50 and £40.

³ Luttrell, i., 178, April 1682: 'This day being Easter Sunday, Mr Miles Prance and Mr Roger L'Estrange received the sacrament at St Giles Church-in-the-Fields, one protesting that what he swore about L'Estrange being at Mass was true, and the other denying it. Baxter took upon himself to rebuke this contentious use of the Sacrament, much to L'Estrange's resentment'. Chalmers (*Gen. Biog. Dict.*, (1818), p. 209) quotes Echard's version of this story. See the Psalm referred to p. 10, note.

'Strange the Sacrament did take
To cheat the world and blind the State'.

Those who imagine that the 'Plot' was quickly discredited however are mistaken. The roots and ramifications were too deep and numerous, and it was open for the Faction to say that L'Estrange and his fellows waited till Tonge, Bedloe, and the rest had disappeared before they began the work of taking it to pieces¹.

But more serious in one sense to the 'Plot', was the withdrawal of public attention to other matters. The renewed persecution, begun in December 1681, was a corollary of the decline and fall of that frenzy, whilst the attack on the city, the preliminary of similar attacks on the Corporations all over the country, necessarily withdrew the ablest Whig apologists, and left the 'Plot' rather naked of defenders. This forward policy of the Court was politically prudent, and it was aided by the pulpit eloquence of the clergy who were nourished on the *Observer's* bi-weekly diatribes. Song and wit were enlisted on the same side. So long, however, as 'good' sheriffs remained, the men of Shaftesbury were a power in the City, and Whig might well say in the *Observer* of April 1682: 'Though the Protestant joiner is departed, we have architects left yet', and Tory sadly answer: 'London, I confess, is a good covert'². Whilst the London mob was still violently factious, Tory writers referring to the City were able, after 1681 to praise, 'the governing part of it'³.

The trials of those Whig printers presented in October 1681 came on in May 1682, when Janeway and Sam Harris appeared at the Guildhall, the latter for printing *Treason in Grain*, the libel for which Fitzharris suffered. Though the trial was conducted by the notorious Graham and Burton, and though £50 was publicly offered for evidence, Sheriff Pilkington's jury returned a bland *Ignoramus*.

Two months previous, a significant thing had happened in the case of Langley Curtis. The Attorney-General in February 1682 had moved Justice Jones to prosecute him for publishing in his *Mercury* of 7th February the old votes of 10th January 1681, that, 'they ought not to prosecute the

¹ So Titus Oates, *Portraiture of King James II.*, 3rd ed. (1696), i., 183; Lonsdale, *Memoirs*; Bohn, *Charles II. and James II.*, p. 450. 'The Popish Plot of a long time discredited and now no more thought on'. But this refers rather to 1685.

² *Observer*, i., 119.

³ Dryden, *Medal*—

'Sedition has not wholly seized on thee
Thy nobler parts are from infection free'.

Dissenters upon the Penal Laws'. The recalcitrant Whig jury 'being asked whether it did own the same as truth or not, one of their printed warrants to Constables was produced, wherein the said Grand Jury had cancelled the clause relating to the duty of Constables to disturb Conventicles'. For this offence, both Curtis and the Grand Jury were now brought to the bar of the King's Bench, on which the Jury gave in and promised to present the redoubtable journalist¹.

As a result of these prosecutions, we find that Janeway's *Impartial Protestant Mercury* ceased at No. 115 on 26th May 1682, but Curtis and Care² still go on for a little yet.

More observable is the general persecution which L'Estrange was called upon to palliate and defend. No writer had done more to urge on these severities, and when from Bristol³, Gloucester, and Hertford, etc., came stories of ejection and Grand Jury presentments, there was no one more generous in applauding the enlightened work. Old names began to appear once more. There had been no general persecution since 1675-6. Old haunts were visited and old lurkers drawn to light. The carriers on the highways were examined, and the Scotch pedlars who flocked to England after the last eruption in 1679, became the object of suspicion and arrest.

This persecution, it is admitted, was more ruthless than any of its predecessor, and more successful in driving people to Church. Vicars and Bishops reported the 'conversion' of huge numbers. The Churches were crammed with the strange multitude which scarcely knew the decent forms of worship. From other parts, it is true, came reports of indecent behaviour on the part of the new Conformists, of loitering in the Churchyard during service, and veiled sneers at the Ritual. A feature of the persecution is conveyed in such significant advertisement in the loyal papers as that the Commissioners for the Admiralty were taking steps to eject all the factious and dissenting⁴.

¹ For this case see Nat Thompson's *Loyal Intelligence* under dates given and for fairness' sake, the other journals.

² In July (1682) the *Weekly Packet* was also in danger, and in December the *Convent* actually dropped. See the *Weekly Packet* for 28th July 1682, where Care has the effrontery to describe the indecent *Convent* as 'some small, neither unuseful, nor unpleasant digressions for the Reader's entertainment'.

³ *Observer*, i., 153, savagely reflects on some aldermen of Bristol, who not only tolerate Conventicles at their doors, but champion them on the Bench.

⁴ Thompson's *Loyal Intelligence*, 14th February 1682.

Another and more disgraceful feature was the rise of a new tribe of delators, induced to take to their shameful trade by rewards offered under the old Conventicle Act. These men did not limit their operations to the Dissenters, but began to spy on the magistrates and constables who shirked their offensive duty. Thus discord and treachery invaded every class of governors and governed, and the historian will no doubt look closely in this direction when he is enumerating the causes of the disgust which finally expelled the Stuarts.

This persecuting movement was inaugurated, we saw, in November 1681 by the action of the Middlesex Justices, and it was kept alive in the Metropolis by their frequent resolutions and admonitions. But for any severe operations, for a general pursuit and hounding out of the meeting folk in the city, we must wait till Pilkington and Shute no longer nominate the juries. It is this that gives the candidature of Papillon and Dubois for the shrievalty in this year such importance and popularity. Never since London enjoyed the privilege of electing its own sheriffs had that office been so canvassed, or so much been written to prove or disprove the practice of elections. Despite L'Estrange's charges that large numbers of those brought up in different companies to vote, were not livery-men in the legal sense¹ — as probably they were not — there is no doubt that Papillon and Dubois were the choice of the electors. Against these candidates L'Estrange had nothing further to urge in June than that the Tory candidates were better men. The candidature of the former is interesting, because at that moment French Protestants were settling in multitudes in England², establishing fisheries at Dover and Chatham, and weaving at Spitalfields, as a result of that revival of French persecution which by no means came suddenly in the Revocation of the Edict of Nantes, and indeed synchronised so closely with the English persecution as to leave little doubt in the popular mind of an understanding between the two Monarchs. A few

¹ Carte, *Life of Ormonde*, ii., 522: 'All mechanical Companies were entirely on the Republican side of the dispute, and the Courts of Assistants of those Companies called up all the mean and virulent fellows, etc.' Page 524: 'Some Clerks kept out of the way, and the Courts of Assistants of the Glovers Coy. absolutely refused to let their books be seen for the making out of a list'.

² While true Protestant Englishmen were emigrating from Norwich, Gloucester, etc. (See *A Modest Answer to Dr Dove's Sermon*, printed 1682.)

months before¹, Roger L'Estrange had published a translation of a French *Apology for the Protestants* in four parts, a work which may have been moderate in France where a real persecution was raging, but in England—especially with L'Estrange's preface—was calculated to arouse some clamour. For whilst paying a notable tribute to the Catholics, and advocating in veiled language a re-union with them—that is of King-and-Bishops-men against dissent—the preface attacked the favourite Nonconformist belief that in their struggle with the Church they had the sympathy of the Foreign Reformed Churches.

'In France, there is no permitting of any Dissenters at all (a notable commentary on the Edict of Nantes, 4 years before it was revoked); in Holland (though a Government that was founded upon a universal *license*) an Anabaptist would sooner dare to swallow a crucifix than utter one word against the State', and as for French Protestants, 'the author of the *Apology* piously laments the imperfections of the French Presbytery for want of a royal authority to establish and support them in a more regular form of Administration'.

The curious state of mind which here confounds the word Protestant with Anabaptist, or Dissenter, is not accidental. L'Estrange and his class actively disliked and repudiated the term². As to the text, he is unfortunate in being contradicted by his author³. When we remember that this *Apology* and its preface were also L'Estrange's apology against attacks on his Protestant orthodoxy—which he was particularly anxious to prove just then when France was repeating his charges and the Church preparing to contribute her guineas⁴—it is not difficult to see how it

¹ It is dated 1681, and is first advertised in the *Observer* for 13th August 1681. Although we cannot find the original there is no need to class it with those fictitious translations of which frequent complaint was made.

² *Observer Defended* (1685): 'They have gotten a trick of covering all Religions but Popery under the cant of the *Protestant Religion*'.

³ Pt. ii., 31. In Protestant Countries such as Holland, the Catholics who are the Dissenters there 'may openly and frankly own His religion . . . and are connived at without being hunted out of their houses', which is more than Frank Smith's *Narrative* (q. v.) will testify for English dissent.

⁴ Luttrell, *Diary*, i., 93, June 1681. There is a Discourse that the University of Cambridge have collected of the Masters and Graduates of that University the sum of £200, which they intend to make a present to Roger L'Estrange as an acknowledgment of his good services he hath done the Church of England. 'Pope's sneer', says Sir Sidney Lee, 'in a letter to Swift that the Tory Party "never gave him sixpence to keep him from starving" (Pope, *Works*, Elwin and Courthope, vii., 5), does not seem wholly justifiable'. He might have used stronger terms. Roger was very well treated.

would be received by any but 'Highfliers' and 'Tantivies'. But, at the moment, he was doing such valuable work in leading the Anti-Dissenting crusade of the Church, that it took four or five years for the *Apology* to do him the harm it might have been expected to do. In the interim, the Church had awakened from its wild and vicious dream and saw itself abandoned by its Court allies. The author of the *Observer*, which was then still lagging superfluous on the stage, had developed the thesis of the *Apology* into definite terms of Catholic re-union. There were no more Church guineas, but only ostracism for L'Estrange, whilst he bitterly pointed to the date of his *Apology*¹.

One hideous result of the persecution we saw was the Delator². Nowhere in English history does this painful disease seem so widespread as now. The tragedy of one of these Informers, Habin of Chichester, may be taken as typical of what was happening all over England. This man had been a bailiff before the persecuting resolution of December 1681 suggested to him and his brother a more lucrative trade. It was admitted that before this change, the Crown office looked with suspicious eye on both, but then it was the theory of L'Estrange and his party that a little perjury and debauchery are venial offences compared with conventicling³.

Chichester was a hot-bed of dissent, and Stockdale was generally the rendezvous of the Conventicle. The breaking of a certain Capt. Brickley's windows comes into the story, for it was on the occasion of the burning of the

¹ *Observer* Defended.

² See Lord Chief-Justice Saunderson's *Observations on the 22 Car. II. cap. I.* (Conventicle Act), where he discusses the means by which Dissenting Pastors escape, and the legal methods of the Informer. Fergusson, whose copious classical allusions gained him L'Estrange's soubriquet of 'Scotch Tacitus', has several nervous passages on this pest. He quotes the 'Roman Historian on the blackest character of Tiberius' reign, those *delatores genus hominum publico creditu repertum et paenis quidem nunquam satis coercitum per praemia ducibantur*. See the *Cruel Case of the Quakers* (1682), from which it appears that 320 died in jail since 1660, brought there by 'cruel informers, often impudent women who conceal themselves, and a company of idle, extravagant, and merciless informers'. See also Hickerlingill's *Mancatcher*. Such were the women whose evidence in the Rosewell case (*State Trials* (1684), vol. xii.), even the Judges blushed to take.

³ 'Now do I take a Conventicle (even upon that day—Sunday) to be much worse than a Tippling-house, as I take a Schism that breaks Christianity to be worse than a personal debauch . . . (which) is only a beastly and odious excess that serves to keep other men sober by the loathsomeness of the spectacle'. *Account Cleared*, p. 7. 'Hawks, hounds, dice, drabs, drinking, etc.', Roger catalogues in the 'Roll of Good-Natured sins', and that at the age of seventy-six. See his *Æsop*, 1692 ed., p. 336.

Pope, and Habin swore to the persons guilty of the riot though he was not present. This stirred up black feeling, and when on Sunday morning, 6th August, the two brothers—slightly fuddled with brandy—were seen to enter Chichester for a good day's hunting, the rabble of small boys pelted them, when Halsted is said to have drawn his sword and slashed their clothes. One of the urchins' stones—according to one account—broke Habin's head, who thereupon made for the nearest house, that of a local gentleman and great Whig, Mr Farrington. Habin had old scores to settle with Farrington, and, blinded by pain, passion, and brandy, he used his stick to break his enemy's windows. At that moment Farrington's coachman came up to Habin, and—seemingly with the master encouraging him from the window—closed with the informer. In the end Habin lay dying in the Bishop's house, where he had gone, after shelter and protection were refused by the townsmen and the Mayor to the social leper.

The inquest declared him murdered by Farrington's coachman, who had fled.

This hasty verdict did not please the Government or the Bishop, who saw an excellent chance of striking higher. On the 12th August the inquest was by order re-opened in the Town-hall, and an attempt made to obtain a verdict against Farrington. After an extraordinary tumult, the case was adjourned till Monday, when to the frantic delight of the people, the jury gave a verdict of *Ignoramus*¹.

This tragedy was complicated by the charges of another informer against local Dissenters of wounding the Bishop's horses.

Without further enquiry into this affair, it may be said that it became a cause *célèbre*, and formed the staple of chatter in Whig and Tory circles for months to come. It is an interesting aspect of the case that in the Town-hall of Chichester on Saturday, 11th August, among the two hundred spectators were men who might almost be called special correspondents to the Press. L'Estrange and Thompson had their correspondents there, and Curtis and Care had theirs.

¹ The Pastor of the Conventicle—Sam. Pomfret—escaped. The coachman was taken after the Rye Plot and condemned, but at Jeffries' suggestion his execution postponed in hope of discoveries. See Luttrell under date 16th November '82. For a parallel in some respects to the Chichester case, see reference to 'Hilton, the Grand Informer' of Middlesex, and the indignation of the rabble. *Cavalier and Puritan*, p. 99.

Their varying reports might be taken as constituting one of the earliest cases on record of the Special Correspondent¹.

That in some sense the Government was aware that the Delator system was on trial at Chichester is shown by the setting of L'Estrange to substantiate and sum up the *Observer's* day to day reports in two separate pamphlets. The importance of the case is that all London is seen to be discussing the pros and cons of a case which a few years before would have passed unnoticed².

The Habin case came close on the heels of the political event, which really settled the fate of the Whigs—the 'election' of the Tory sheriffs North and Rich to succeed Pilkington and Shute. These were busy days for the *Observer* and its author. For months previous what time could be spared from the cautious pursuit of Oates, Tonge, and Prance, that journal devoted to proving the Mayor's right to choose one sheriff by the ancient ceremony of drinking to him. The opposite party with much force and learning proved the antiquity of the citizens' right of choosing both. Democracy and autocracy confronted each other nakedly. Already the complaints that Sir John Moore was too often on the road to Whitehall to receive his orders from Secretary Jenkins were heard³. The Court in truth was jealously watching events in the City. The many rebuffs to its policy by *Ignoramus* juries and Guildhall presentments of its champions, showed clearly that the Sheriff's Election was the only breach possible in the City's defence. The re-ordering of the Charters would come later.

¹ *Observer*, i., 192-200.

² Whilst declaiming (*Observer*, i., 225) against 'your parboiled Justices that are still blind on that side where the information of a Conventicle happens to be presented', Roger asks all people bringing news of the Prosecution of Dissenters to bring adequate testimonials. On the other side an attempt to boycott informers was made. 'This is to let all good people know that Mr Hone, a bookseller, and Mr Brightwell, a cutler, are both of them Informers against God's people, and both shopkeepers under the Exchange in Cornhill. You are desired to avoid them, *You may think what time of day it is with them when they take up this trade*'. *Observer*, i., 226. Among other persecuting tracts see *Remarks upon the Growth of Nonconformity* (1682), ascribed, probably erroneously (but see Appendix), to L'Estrange. It had great effect. 'I can say no less than I think it written both to deceive and to provoke the Magistrates in the Spring-time of heat and ferment', says an anonymous answer, *Moderation a Virtue* (1683), p. 17.

³ Carte, *Ormonde*, ii., 522-3: 'The Duke of Ormonde was the person that inspired him with courage; he generally dined with him twice or thrice a week during the contests which now happened, and was the only person about Court employed on these occasions'. *Observer*, i., 175: 'Whig.—He (Moore) acted contrary to the duty of his office—in giving up himself implicitly to the Government and conduct of Sir L. J.' (Leoline Jenkins).

Before this famous election, a renewed and prudent attempt was made finally to reduce the Press. Some show of impartiality was made, for the Government was embarrassed almost as much by friend as foe. Warrants were issued for the arrest of Nat Thompson and the two Catholic lawyers, Nevil and Farwell. At the same time the Council undertook the final crushing out of the Curtis-Care junto.

The chief mover against Popish Nat was Michael Godfrey, brother of the late Sir Edmundbury¹, and the charge was the publication of certain letters to Miles Prance in which the authors—Nevil and Farwell—ridiculed the whole idea of the Plot, and brought forward the old suggestions of torture in the case of Prance. Brought first before the Bar of the King's Bench, 7th April, the defendants were bound over in £500 to appear next term. When, after various delays, Nat and his friends were on the 20th June sentenced to stand in the pillory, the only ingredient lacking to the general satisfaction was that L'Estrange was not to stand by their side.

But this popular triumph, the last use made by the Whigs of 'good sheriffs'—the election took place four days later—was dashed by the final fall of the Whig journalists. On 26th May 1682 we saw Janeway brought low, and, worse still, used by the Secretary to make discoveries². 'Care still spoke through Curtis'. But in the week of Nat's trial, the latter was questioned by the Council concerning various libels and his *Mercury*, when he made his submission. The lust of battle was, however, too strong for him, and his jubilation over Nat's pillorying³ too boisterous

¹ Mrs Aphra Behn's Poem to Sir Roger L'Estrange (1687), congratulating him on the completion of his 3rd vol. of *Observer*.

'And with a just disdain those authors hate
Who on the innocents transferred his (Godfrey's) fate
A sacrifice to save a vile estate'.

It was this insinuation which now brought Nat to the pillory. Sir Sidney Lee in his excellent article on L'Estrange (*Dict. of Nat. Biog.*) has blundered somewhat in describing Roger's connection with the Plot. He not only makes his *Discovery on Discovery* (chap. viii., 259) to be the work of the other side, but ascribes the *Letter to M.P.* to L'Estrange.

² His 'discoveries' however were very dubious. See Thompson's *Loyal Intelligance* for an account of his tricks and knavery, 12th June 1682.

³ Luttrell, *Diary*, i., 176, under dates 5th April and 3rd and 5th July 1682. Nat, of course, says nothing of his pillorying, but Care's *Popish Courant* gives a humorous account. Mr Goodenough (the Undersheriff of Rye House fame) commands all spectators not to throw stones 'or any hard things'. 'Behold how like a couple of Jesuits they look', was the comment of the joyous rabble. 'Upon which the small shot began to fly with rotten eggs and dirt, and when

to keep him within the scope of the Government's tolerance. On 8th August he slipped away to join his brother-in-law, Frank Smith, in Holland, and on his return secreted himself in the country, where he busied himself with a yet more notable libel¹. Still his extraordinary wife kept at the task, and for a while the *True Protestant Mercury* mended its manners. But on 28th October the Tory Sheriffs being now in the saddle we find her at the King's Bench, where this bold Whig spouse 'questioned the truth of the warrant, and authority of the Court', refused to discover her husband's whereabouts, and was consigned to jail². Thus, on the 14th October, the *True Protestant Mercury* flickered out, and though Harry Care still forged ahead with his *Weekly Pacquet*, on 31st October on an indictment of libel, he too, it was rumoured (falsely), had fled to join the Mayor of Goatham, 'Elephant' Smith, and Dunton, whereat 'there was weeping and gnashing of teeth amongst the brethren'. Baldwin had been extinguished in the June proscription for a libel on Danby³.

Thus perished Whig Journalism at the moment when the City's rights of free election were invaded. Thereafter the Government could proceed to forge chains for the City, and no rude libellous Press would interrupt the work. Only L'Estrange's *Observer* and Thompson's *Intelligence* to bless them⁴.

they hit Thompson, they cried Thompson Farewell, and when they hit Farwell, they cried Farewell Thompson! . . . Thompson had ten times more dirt thrown at him than Farwell'. *Heracitus* (No. 78) complains that Ben Harris in a similar position 'did not suffer the least abuse either from gentle or simple'. So Luttrell (i., 34, 17th February 1682): 'They would permit nothing to be thrown at him'. *Heracitus* goes on to tell of the preparations for this event—'Dick', says another to a porter, 'how many rotten eggs have you laid up in store to bestow upon Popish Nat? I knew you'd make holiday to-morrow to pepper him'. An important point remarked by Hallam (*Cons. Hist.*, p. 720) is that the Judges 'permitted evidence to be given as to the truth of the alleged libel', and so opened up the Plot Story. By 1742 (the date of Viner's *Abridgment*, xv., 88) it is declared that 'a libel though the contents are true is not to be justified'.

¹ *Julian the Apostate*, see p. 50.

² Hart, *Index Expurgatorius*, p. 254.

³ See Care's final word in the *Weekly Pacquet*, 27th April 1683. The *Courant* had dropped 15th December 1682.

⁴ It must be admitted, however, that they did their best to silence these too. Thus under pressure Nat gives an illusory promise—16th November 1682—to close. 'The Kingdom (being) every day pestered with libels stuffed with scandals to the Church and Crown, I thought it my duty to publish this my *Loyal Protestant Intelligence*. But being now informed that authority is displeased therewith, I am very willing to desist in regard it would be very inexcusable for me who have ever writ in defence of them and their Authority, now to continue in disobedience to their just commands'. He lingers on, however, till the eve of the Rye discovery, 20th March 1683. Thereafter the *Observer* alone continues.

It is no exaggeration to say that the event for which these prosecutions cleared the way, was of greater importance than a Parliamentary General Election. The right choice of Sheriff's meant that London would no longer be the 'good covert' for Whigs, which the *Observer* declared it to be in June. It meant that an open or secret life in London was no longer possible for Shaftesbury, and was therefore the signal for that skulking about in disguise, which preceded the flight to Holland; and as it meant more furtive association among the Whig leaders, Fergusson, the 'soul of the machine' and the inferior instruments, it involved the more hurried and desperate counsels which in March 1683 matured into the darkest episode of the reign. It also meant the total extinction of the Whig Press, the absolute submission of such companies as the Stationers and Mercers, and the other stout Guilds, and therewith the passing of the huge body of patronage in London Hospitals, Schools, Colleges and Almshouses, 'the nurseries of Whiggery', from 'factious' to 'loyal' hands. Finally it meant that the Middlesex Justices already predominantly Tory were now reinforced, where lately they had been checkmated, by the influence of Guildhall, and shortly by the new-modelled Common Halls.

The scene at this famous election has been described by North and a dozen Tory writers, besides the account in the *State Trials*. But happily the Council's efforts to suppress the Whig journals had not yet been so successful as to leave us no Whig notes on the subject. Besides the *Mercury* which Mrs Curtis still carried on for her exiled husband, Nan Maxwell had bravely started a *Protestant Observer* whose sole object was to bespatter L'Estrange. From those two papers we learn that Roger was a dangerously prominent figure at this election, when 'the Royal Standard of the Multitude' was set up, and the Lord Mayor buffeted by the Protestant mob, whose tumultuous *No North; no Popery* was eagerly interpreted as evidence of a riot. The entrance on the scene of Capt. Quiney with the train bands was the 'whiff of grape shot', and to the Whig mob 'the monster of military power', from which London had been free since Monk patrolled her streets¹.

L'Estrange had secured a view of the riotous scene from the window of the Common Sergeant's office, where he 'loll'd with his brazen face at the gentlemen of the livery

¹ *Observer*, i., 216, 218, 224.

as they passed out'. His own impression of the mob beneath is piquant. 'The *Observer* was at a loss for a description to make the Reader understand what kind of spectacle he had before him and could think of nothing liker to it, than the picture of the damned in Michael Angelo's famous piece of the Day of Judgment'. He had seemingly not the good sense to be quiet at his coign of vantage, but 'pointed at 4 or 5 bawling rogues there in the crowd, with what fiery gestures and contempt we can imagine'; for it drew the attention of the mob to the fact that the object of their hate was lolling down on them. Whereupon a good deal of pent-up fury was showered on the insulting head above, and it might have gone hard with Roger, had not more important business been in progress below. Stones were thrown, and it was suggested by the wiseheads of the Faction, that his appearance was a calculated incitement to the mob to do that which might be termed a riot. Whether there was sufficient disturbance to justify this step or not is not clear, but undoubtedly the investing of Guildhall with the train-bands so that the liverymen could not meet and proceed to their own election of Sheriffs, was the brief but decisive application of military power which brought in its train all the absolute proceedings of the next four years¹. We are not to suppose that Liberty perished unheard. The mantle of Marvell had fallen on several able writers of whom the most notable were Hickeringill, Petyt, Doleman, and perhaps ablest and certainly most assertive Thos. Hunt, Esq., of Gray's Inn². This remarkable man wrote like Hickeringill, first on the side of the Bishops and their right of judging in Capital cases. But in the midst of the Sheriff's crisis, and before the Court creatures had voted away the City's Charter, he raised a learned and eloquent protest in a work which earned him the undying enmity of L'Estrange. In the *Defence of the Charter*, after describing Roger as 'this Fracemaker and

¹ See the *Observers*, Nos. 210-222, 23rd September to 12th October 1682. That the Whigs were quite aware that the Common Council Hall was 'the last resort of Liberty', see *Observer*, i., 353.

² Hunt's *Postscript to the Bishops' Right of Judging in Capital Cases* (1681), made a fine onslaught on L'Estrange, Filmerism, and those 'who have drawn the youngsters to question the truth of the Popish Plot. . . . Out of the same mint came (L'Estrange's) loathsome print entitled, *The Committee or Popery in Masquerade*'. See chap. viii., 256. Hunt finds a place with Bastwicke and Prynne in Defoe's *Hymn to the Pillory*, 1703 (Lee's ed. 1868, ii., 605). Petyt is 'Mr Huntscrap Petyt' in *Heracitus*, No. 18.

Scaramuche of the vain youth of the nation' and falling foul of Dryden's immoral couplet¹ (put in immoral lips however),

'For Conscience and Heaven's fear, Religion rules,
They are all state-bells to toll in pious fools,'

he calls on the City Fathers to prohibit such exhibitions in a public theatre, by which 'you and your great offices are exposed and reviled'. To the *Observer* it belongs 'to confound trust and falsehood', not to 'our poet'. But he is strongest when drawing on ancient and classical example for instances of the fall of free communities, when their institutions are attacked, and appeals to the researches of his friend Petyt for proof of the rights of Parliament and of the City to choose its sheriffs. We gather that one proposal emanating from the Court was to call a Parliament by nomination—a preposterous suggestion which, however, was almost realised in James II.'s Parliament². Hunt is most eloquent when he pictures a dischartered London, the dislocation of trade due to the Quo Warranto, 'the customary provision for wives and children' neglected, marriages rendered null, and orphans dispossessed, there being no stock to pay them, 'as they are almost undone already by the bankruptcy of City Credit', etc.

In the treasonable movements which resulted in the Whig Plot, it is interesting to note the behaviour of those particular men and classes against whom our author had thundered for so many years. Apart from the quarrels and recriminations of the various conspirators, we learn from the examinations and trials, that the issue of the Sheriffs' Election gave the signal for insurrection³, and that in London, where the chief dependence was placed on the sectaries and republican zealots, the word was passed round, especially in the smaller assassin group which had Shaftesbury, while he lived, for a head, and Fergusson for Secretary, that the dissenting ministers with one or two exceptions were not to be trusted⁴. They were regarded as garrulous and timid, too scrupulous to seize the hour and the methods of relief from a raging persecution. This fact is of importance, for while on the

¹ *The Spanish Friar*, Dryden's malevolence to the Clergy was remembered by Johnson. Arnold's *Six Chief Lives*, p. 167.

² See pp. 361 *et seq.*

³ So Lord Russell's Speech at his execution. See p. 312.

⁴ 'West said they were a parcel of rogues that had ruined the people ever since Constantine'. Exam. of Bourne, 6th July 1683. *State Trials*, xi. 414.

discovery the Government had up for examination and placed under close surveillance, the peripatetic priests of dissent, with an obvious anxiety to entrap them, on the whole a conclusion of not guilty, so far as actual knowledge of the Plot was concerned, was reached. When the time came for adjusting accounts, this comparative innocence was credited to them, along with their discreet behaviour in regard to the second Indulgence.

But there were one or two on whom suspicion fell heavily. Fergusson—from whom emanated the advice quoted above¹—was the heart and soul of the conspiracy. Stephen Lobb was almost alone of the dissenting clergy approached by the conspirators, when he gave a doubtful blessing to the project. On the Rev. Joseph Mead with Drs Owen and Collins, suspicion fell more heavily, and though the tortuous examinations of July before Charles and his Council failed to elicit more than proof of a general association with the conspirators, with, however, an absolute certainty of their guilt, L'Estrange set himself to make their treason manifest².

There were, however, a few disbanded lay preachers and schoolmasters who incurred more than suspicion. They were a class whose movements had from time to time come under the notice of the Surveyor of the Press³. James Forbes of Gloucester and London, Hicks the tobacconist and Anabaptist preacher of Bristol, James Nesbit *alias* Johnson, and Benjamin Keach, the preacher and brick-layer fined in 1665 for a new Children's Catechism, are now again busy. These unaccredited officers of the darker dissent did a great work in their wandering and obscure way, sounding and stirring up 'true men' and enflaming the ultra-Protestant mind. The first named was the most dangerous. Of the same cautious nation as Fergusson and Nesbit, whom he knew well, and once as the associate or assistant of Wallis the Gloucester Cobbler, under the special surveillance of L'Estrange, Forbes was a man fully entered in all the disguises and aliases of the trade. Although he

¹ *State Trials*, xi., 410. The Nonconformist Pastors were 'silly and weak'.

² These are L'Estrange's 'new generation that preach with their teeth as much as their tongues—Mr Calamy, Dr Burgess, Mr Ward of Ipswich, Mr Case, the Laborious and Catholique Mr Baxter, Mr John Corbet and Dr Owen'. *Observer*, i., 193, 28th February 1682. With the exception of the last, none of these patriarchs of dissent were so much as suspected now.

³ *Observer*, i., 106. Schoolmasters and Ushers teaching school without a license.

denied any correspondence with Scotland or acquaintance with the Scotch insurrectionists in London, there is no doubt that he is one of the dozen Scots in the capital, who directed the operations of the army of Scotch pedlars that descended on England after Bothwell Brig¹.

But of all these Rob. Fergusson, the 'Plotter', has come down to posterity as the Iago of the Conspiracy. His biographer² quotes a rhyming broadsheet, *Iter Boreale*, 3rd July 1682, to show the part he already occupied in the public mind. But many months before he was familiar to the public through the *Observer*, L'Estrange recognised in 'Scotch Tacitus' the evil genius of the Faction. He was supposed to be the author of the famous *Appeal from the Country to the City* and the three parts of *No Protestant Plot*, the last so recent as May 1682 and the most eloquent vindication of Shaftesbury³. In anticipation of the adverse Sheriffs' Election of midsummer 1682, he had a month before journeyed into Scotland, and in the public mind reflected in the ballad above referred to, it was he through whose infectious poison

'Charter lyes bleeding
Whole Corporation suffers for believing'.

He was the symbol to the popular mind of all that was republican and levelling. The Association proceeded from his brain, and to topple down nobles was his delight. Altogether he was in everything, knew everybody, the thinker and inspirer, the referee of all matters of doubt, the man whose name occurred most to witnesses. Burnet throws some odium on his name in connection with his management of his secret Press⁴, but the more modern verdict is that the man was without a rival in a fierce republican quality in which he rivalled Sydney without Sydney's aloofness, and a daring and industry which has no parallel

¹ See chap. vi., 169-171. *Observer*, i., 99, 15th February 1682.

'Whig.—What's become of Jas. Forbes the Scotchman that was at Gloucester?'

'Tory.—You mean Cromwell's emissary. He had his quarters beat up there about 2 years ago and the meeting house destroyed, so that little by little that congregation is dissolved'.

See also the Examination of Forbes and of the Scotch pedlars who came into England in 1674, 1675, 1678, and 1682, and who went about with two edged swords and pistols. *N. P. Dem. Car.*, ii., 428 (45) and 436 (49).

² Jas. Fergusson's *Fergusson the Plotter* (1887), p. 79.

³ 'Much of it stolen from your dead author's pamphlet, called the *Growth of Popery*', Dryden, *Epistle to the Whigs*, prefixed to the *Medal*.

⁴ *Own Times*, ii., 358.

in that busy age. That is an interesting piece of information of Bourne's that 'Fergusson desired me to tell them one night when we met, that we must have a party to seize Mr L'Estrange, for he should find strange papers and that great care must be taken to secure the Paper Office at Whitehall'¹.

As to the kind of encouragement Fergusson meted out to the others, it differed according to the man he talked with, but one thread ran through all². They were to be the *Liberatores Patriae* from tyrants who invaded all civil and religious rights. As a master of character, he addressed himself to the various appetites of his instruments, to the more commercial-minded promising the Chimney-money, the Excise, and a raid on the Bankers and Goldsmiths, to the ambitious lawyers of the Plot the remodelling of the Constitution and the Judicial Bench, to the mere patriots—there were some—'all was to be left to a Parliament'. This last was indeed the cry of the fainthearted lords, who wished to see themselves in their old places and honours, rather than to see these inferior revolutionaries dividing out the spoil. Thus, far from being the leveller of the ballad quoted³, West called Fergusson a 'credulous fool' for holding with the selfish and timid Lords⁴. At the same time the wild men were humoured by being allowed to draw up a kind of Bill of Rights which proves the urgency of the popular election of Sheriffs, the demand for annual Parliament, and complete Liberty of Conscience.

To understand further the naked passions which inspired these wilder men, we should read West's *Further Examination* of 7th July, where it is stated that 'Sir John Moore and the Tory Sheriffs were to be flayed and stuffed and set up in Guildhall as a perpetual memory of their ill-deeds'. The Lord Keeper's body was to be similarly treated, whilst Parliament itself was to contain interesting specimens of stuffed Pensioners. 'Some Discourse was had of applying those revenues and of one half or two-thirds of the Colleges in both Universities to public uses, in ease of the people's taxes'⁵.

We have dwelt on the passions which underlay the Plot

¹ *State Trials*, xi., 419.

² *Ibid.*, pp. 409-10.

³ 'Who would all our nobles to his ninepence bring'.—*Iter Boreale*, 1682.

⁴ Examination of Bourne, 6th July. *State Trials*, xi., 414.

⁵ *Ibid.*, ix., 420.

because they afford a view of all those fatal hopes which L'Estrange had laboured to expose for twenty years. He had, as we have seen, proved himself particularly obnoxious to the Whig rabble at the Sheriffs' Election. His attack on poor Colledge after his death, his abuse of *Ignoramus* juries, and incessant girding at the Dissenters, had caused him to be singled out as the chief provocative agent of the Government—hence Fergusson's anxiety to seize him and his papers as a first step in the Revolution. It was therefore natural that on the discovery of the Plot and those exhaustive examinations of the Council, presided over by Charles himself, L'Estrange's services should be requisitioned. Apart from his zeal, it was clear that a man whose active life had been spent in spying on the agents of sedition in Press and Pulpit, had a vast knowledge not only of persons, but of their habits, and the most hopeful methods of using prisoners towards discoveries. It is a commonplace that an imperilled Government first turns a suspicious eye on the channels of Publication, and for this no one was so well fitted as the ex-Surveyor. Assisted by his 'brother Guise', a Middlesex fellow-Justice, and by Charles Hanse¹, a Court lawyer of the Middle Temple, Roger set himself to harry and browbeat his old enemies in the Press. His operations were not, however, confined to that sphere. He concerned himself as a Magistrate with several of the main seizures and discoveries, and from this time onward we are to regard him as, if not a paid, certainly an active Government spy, and that despite various symptoms of failing health². We shall find that pay was not furthest from his mind³. The form of pay he demanded was—besides money for fines, and the arrears

¹ Whom he afterwards recommended to the King as an able assistant for Graham and Burton, a commendation which brings the lawyer into association with those dread instruments of arbitrary rule. See his examination before the 'Murder' Committee, 1689. *State Trials*, ix., 951.

See also *Gentleman's Magazine*, vi., 203 (1742), which involves L'Estrange and Hanse in a common guilt with Burton and Graham. 'They were the principal instruments against Stephen College'. In the affair of Sir John Moore and the Sheriffs' Election, they were equally criminal.

² Luttrell, *Diary*, 5th March 1683 (i., 252): 'Mr R. L. hath been lately very indisposed with fits'. See chap. xii., 2.

³ *N. P. Dec. Car.*, ii., 432 (2)—17th September 1683. He begs Mr Jenkins for the King's (third) part of the £320 fine levied on Lord Clare for permitting sixteen Conventicles in the Old Play House. It is instructive to find in the seventeenth century this revival of the penalties inflicted by the Emperor Theodosius, 381 A.D., on owners of houses, used for propagating the Arian heresy. See Hodgkin's *Italy and Her Invaders*, i., pt. i., 368 (ed. 1892).

on his *Newsbook* allowance—the recovery of his old office in a glorified form; but that did not come up till March of the next year when the Stationers were outrunning all competitors in the rush to surrender Charters.

Besides those services which we shall presently enumerate, his bitter pen was requisitioned—in addition to the *Observers*—in defence of the Government's course of vengeance. The condemnation of Russell by a process of constructive treason, has given rise to a library of execration and justification, in which the most eminent lawyers took part then, and more eminent men since. Amongst these justifications will be found Roger L'Estrange's *Considerations upon a Printed Sheet entitled 'The Speech of the Late Lord Russell'*, etc., printed of course by the faithful Mrs Brome. This was a more popular form of an admirable vindication (*An Antidote against Poison*) credited to L'Estrange¹ but really the work of the Court lawyer Sir Bartholomew Shower. Roger's pamphlet has obvious borrowings from the *Antidote*². The immediate controversy was prolonged beyond the Revolution, when the 'Murder' Committee recommended the reversal of the verdict. It is well known that Burnet—who with Tillotson was Russell's ghostly adviser in prison—was suspected of the authorship of the printed speech, though he himself never confessed to more than drawing up a few heads. But certain turns of expression and what the Court regarded as the limit of artful equivocation³, seemed to put it beyond doubt—

¹ Fountainhall's *Historical Observes*, ed. 1840, p. 102: 'which looks like Roger L'Estrange's pen'.

² As the attempt to make the doctrines of 'Julian' Johnson responsible for the Conspiracy. *Antidote*: 'That deluge of blood which must necessarily have ensued in the heats of a general rising did not affect him, because this might become any heroic Christian drawn in armour by the pencil of the author of *Julian* (Rev. Samuel Johnson) and is not unlike to the practice of the ancient Christian so shamefully practised by the same author'. *Considerations*: 'We come now to the paper itself, which in several places looks like the character of a primitive Christian exposed to the lions in a Roman Theatre, or that of an unfortunate heroic in the field, etc.'. There are several other close likenesses. The *Antidote* and its answers are to be found in *State Trials*, ix., 710. L'Estrange's tract was reprinted by the Clarendon Historical Society (Reprints 12 and 13, 1884) with the editorial comment, 'The pamphlet here reprinted is extremely scarce; it was published by order of the Court'. See Mr Airy's note (*Burnet*, ii., 379). Luttrell says Burnet's authorship was generally assumed. Ralph, i., 725, notes L'Estrange's attempt to involve Burnet.

³ Sprat, in his *History of the Conspiracy* followed the equivocation cue so strongly indicated by Shower and L'Estrange. 'Presbyterian Casuist' is the term he uses. That Burnet wrote the Speech was the popular belief. See among other notices the libel *A Satyr on the Ghost of the Lord Russell* for which the printer was fined £6, 13s. 4d. (*Cordy's Middlesex Records*), 12th December 1683. Russell's

so L'Estrange argued—that the document was much more Burnet's than Russell's work. Be that as it may, it was the immediate cause of Burnet's exile, and its extraordinary sale—it was selling an hour after the execution¹—and the widespread methods of its publication, raised it to the level of a first-class libel. If Burnet did write it, or was, as L'Estrange hints, 'the evil genius at my Lord's elbow', he is to be classed with Marvell, Hickeringill, and Hunt as contributing one of the most popular wounds to Charles' Government.

Apart from the authorship of the piece, the printing of the speech, as with the *Regicides' Speeches* in 1660-1, was the sore point. 'I challenge the world to show any one colourable reason for the printing of it, that's honest', says L'Estrange, echoing therein Shower's second vindication of the Government. 'For what purpose was that pamphlet printed? It could not be for the good of the nation, for as I have been told, that is a French commodity. It could not be for the bookseller's profit only, for a reason to be guessed at'².

One thing the publication of the speech did do. It helped with several other things—like Johnson's *Julian the Apostate* and the *Plot Sermon*—to raise once more in the mind of the Government the question of the remaining liberty of the Press, and the management of the 'unknown students and barristers of the Inns of Court' from whom the brain of the Faction was still recruited³. We shall have occasion later on to show what form the Government's resentment took. In the meantime we may describe those services which L'Estrange performed as a magistrate⁴, in

ghost loquitor—'I'm not the author, for though it went disguised under my name, yet Dr Burnet only made the same'. Lady Russell in her letter to the King (*Life of L. Russell* by Lord John Russell, p. 258) refers to the argument from what L'Estrange calls the 'high flights' and 'dashes' of the Speech. In regard to Tillotson's letter to Russell, printed at the close of Roger's tract, the Dean informed the 'Murder' Committee, 18th November 1689 that L'Estrange came to him, and on his admitting the letter to be his, told him it was to be printed. *State Trials*, ix., 953.

¹ 'It fills all mouths and places' (L'Estrange, *Considerations*, p. 45). 'Every line's a snare' (*ibid.*, p. 10).

² Viz.: That he was arrested by order of the Council. Darby (Dunton's 'religious' printer) did it. Did he print *Ledlow's Memoirs*, 1696? See Prof. Firth's *Ludlow's Memoirs*, Preface to vol. i. He printed *Jonas's Bidelli Vita*, *Typis Darbianis* (1682), see p. 49. He was tried 20th November 1683, and 'submitted' 1st February 1684 (Hart, *Index*, pp. 280-2).

³ See Shower's reply to the *Answers to the Antidote*, *State Trials*, ix., 714.

⁴ Luttrell, *Diary*, i., 265, July 1683: 'His Majesty has been pleased to put Mr L'Estrange into the Commission of the Peace'. His appointment in this month of seizures is noteworthy. He was dismissed from the commission it may be remembered in October 1680. Baxter was not above sneering at 'Justice' Roger L'Estrange in his second *True Defence of the Meer Nonconformists* (1681) when, as he knew, Roger was no longer a Justice.

connection with the seizures and surveillance of the disaffected.

Any information on this head must be gleaned from the hitherto unpublished papers in the Record Office, and these, though fragmentary enough, give us frequent glimpses of our busy author in a character which was not altogether novel. For during the great period of the Surveyorship 1662-5, we saw that he made himself familiar with the ins and outs of Newgate and the Gatehouse, with almost the authority of a Secretary of State eliciting discoveries from arrested printers and booksellers by means of threats and bribes. Now he extends the trade and lends a helping hand to the Government all round. When the seizures are over, he still acts as a City spy on the Whigs. In the closing months of Charles' reign, and the first of his successor, the Oates business absorbs all his time and faculties.

In the bundles of letters and papers accompanying the five books of the Council Minutes taken from the 29th June 1683 to 11th June 1684, from which Dr Sprat compiled his *History of the Conspiracy*¹, to which L'Estrange also had access for his *History of the Times* (1687), and which Blathwayt, Clerk to the Council, delivered over to Sir Joseph Williamson on 15th April 1687, we find a goodly number from Roger L'Estrange to Secretary Jenkins.

During those first sessions of the Council in July when the main batch of traitors was taken, we find Roger pestering the Government with somewhat ineffective suggestions and ancient information. On 2nd July and again on the 5th, he handed in petty informations, in the first case of some one who used some bad language against the Duke at Richard's Coffee-house in the company of the late Protestant Joiner². In the other case it was 'a paper I

¹ There was some rivalry between L'Estrange and Sprat, who should write the History of the Rye House Conspiracy. On 8th September 1683, the former informed Jenkins of a plan he had 'to digest all the Insurrections and Conspiracies in the 3 Kingdoms since his Majesty's return into an Historical model', therein making good the facetious intention ascribed by the writer of the Counterfeit letter from Scotland (chap. ix., 263). 29th September is the date of the Order of Council to publish a History from the Informations, and Dr Sprat to write the same. *S. P. Dom. Car.*, ii., 438 (182). Cibber (*Lives* (1753), iii., 236-7), referring to a letter of Sprat's to Dorset expressing a distaste for the task, says 'the reason he executed these orders with so much reluctance was because many of the most popular men in the nation were either concerned themselves or had some relatives engaged'. L'Estrange had no such delicacy, but the Government's choice was wise.

² *S. P. Dom. Car.*, ii., 427 (159).

had by me of several years standing and pointing so expressly to the Conspiracy now in question that I reckon it my duty to send your Honour the original here enclosed'¹. Again in September, when the first batch of victims was despatched, he is hot on the clue of one Ralphson or Marsden, a 'non - con. traitor', whom Roger surmised was identical with a Rev. Marsden, one of the Rymer's Plot conspirators. To prove this, he fetches down various manuscripts and breviates of that conspiracy, which show that Ralphson, against whom more recently 'many seditious things (words I mean) might be proved in the pulpit', was 'the agitating parson' who was in league with the Scots emissaries in June 1663, 'when it was resolved to reconcile the dissenting sectaries against the Royal Interest'².

It is not clear if his mouldy breviates were of any service to the Government, but before smiling at Roger's anti-quarian zeal, we must remember that in many cases, the same men had been on the road for twenty years, as Forbes, Fergusson, Crofton, etc., and that the ramifications of the Northern Conspiracy were constantly kept open during this whole reign by the Government's policy of persecution, and the discontents constantly reinforced from over the Border, as the pressure there became more insupportable. How wide that secret society had become, we can judge from the informations taken by the Scottish Privy Council, and the trials at the High Court of Justice at Edinburgh³. To L'Estrange and his 'brother Guise' was entrusted the task of sifting out one piece of the Northern entanglement, that which concerned the Scotchman Menzies or Murray

¹ Not in the papers of this bundle. It probably was some dissenting piece. *S. P. Dom. Car.*, ii., 427, Nos. 29 and 36.

² *S. P. Dom. Car.*, ii., 432, No. 121, 7th September 1683. This Ralphson, now arrested, became the comrade of Delaune in his imprisonment. See the latter's Narrative with Defoe's remarks in his Introduction to Delaune's *Plea for the Non-conformists* (1706). 'The Court told us that in respect to our education as scholars, we should not be pilloried, though we deserved it—we were sent back to our confinement, and the next execution day, our books were burnt with Fire, and we continue here—but since I writ this Mr Ralphson had a *supersedeas* by death to a better place'. For Marsden in March 1665, see *C.S.P.D.* (1664-5), p. 246: 'The chief Agitators Atkinson, Marsden and others are in London'. See *Cavalier and Puritan*, p. 98: 'one Mr Ralphson a dissenting minister in Newgate, died last Thursday of a burning fever'.

³ *State Trials*, ix., 451-487. York, 11th July, 'Great numbers of Scotch pedlars flock to us'. *S. P. Dom. Car.*, ii., 427, (No. 45). Examination of Scotch pedlars in England 'who came in in 1674, 1675, 1678, and 1682, and who went about armed with two-edged swords and pistols'.

and his wife who passed in London for the Lady Kildare, and whose house in her husband's absence became the rendezvous of the most dangerous characters. This man was closely associated with the moving spirit of the Scots conspirators in London, James Nesbit, already alluded to. Nesbit was a schoolmaster, and the familiar of the 'agitating parsons' in the City, the few dissenting clergy who leant an ear to the Plot—Owen, Griffel, Mead of Stepney, and Stephen Lobb¹. Next to the exiled Argyle, Gordon of Earlston was the principal name in the Scottish branch of the Conspiracy, and Nesbit under the name of Johnson held him informed of the movements in London. Menzies as Nesbit's associate went by the name of Murray. Whilst Nesbit in writing to the Scotch confederates used the cant of commerce to disguise his treasonable meaning, Murray in May informed the Northern meetings, under the metaphor of marriage, that the Insurrection was to be speedily opened in England.

On the discovery Menzies fled, but in October a letter was intercepted from him to his wife addressed to the Golden Bell in Bloomsbury, where on the 6th L'Estrange seized her papers² and had her committed. She admitted that her husband came to London in March, 'just to time the execution of the Conspiracy,' and that 'he intended for Carolina'. At present, however, he was with other plotters awaiting a ship for Germany and the name of Harwich mentioned in the intercepted letter aroused Roger's suspicions of that port, which was accordingly watched.

Fergusson—the *Observer* of August regretfully remarked—had escaped a month before³, from what port we know not. Against this man, as we know, L'Estrange nourished a personal hatred, and no one of the plotters with the possible exception of Hunt, did he seek from the earliest discovery of the Plot with more persistence. At the time the pursuit was hottest, we have his urgent despatch to

¹ Examination of Nesbit, 5th July 1683, *N. P. Dom. Cur.*, ii., 427 (36).

² Which included a paper on the Carolina project, and other notices of movements in the semi-cant language. See the two papers, 3rd and 6th October, 1683 (*N. P. Dom. Cur.*, ii., 433 (41 and 61)) the latter being Mrs Menzies' Information 'Coram me, Roger L'Estrange'.

³ *Observer*, i., 398, August 1683.

'*Observer*.—There's no news of Fergusson then?

'*Trimmer*.—Not a word and yet what a deal of hunting, setting, and searching has there been about that man. But I believe he's got over the water and really 'tis a great providence'. Such were supposed to be Mr Trimmer's true sentiments,

the Secretary, which seems to prove that if the popular notion of Fergusson's double treachery being the cause of his marvellous escapes be true, at least the agents of the Government were not in the secret.

L'Estrange to Secretary Jenkins.

'6th July 1683.

'Capt. Johnson lives next door to the White Lyon in Old Gravell Land, a member of Fergusson's congregation and a sea-commander formerly. He has got an Estate and is lately removed to it, being a purchaser of Friston Hall, in Essex some 3 miles from Saxmundham and about that distance from Aldebrough (as in Camden's map)¹. It is (I am told) a solitary farm. Capt. Smith is now in town. He lives in Broad Street, near Old Gravell Land, a new street not quite finished. Both these Captains are (or were) disciples of Fergusson and of so great credit with him, that they have been still associated with all his secrets, and seen his person too when he durst not show his head.

'These houses have several backways; my informant is very confident, that Fergusson is in one of these two houses, and that which makes him so, is that yesterday Fergusson's daughter² was seen to pass and repass with bundles under her arm, and to enter into Johnson's house.

'The person that saw her is Thos. Greyney at the White Lyon in Old Gravell Land and a very loyal man.

'With pardon, my conjecture is that Fergusson's daughter might perhaps have some things to give to her father and Johnson's people to take care of them, and that Fergusson is with Johnson at his country house³.

'Friston lies for the sea and possibly Fergusson waits there for a passage. But there is not time to prevent him. I lay great weight upon this Information.—Your honour's, etc.,

'ROGER L'ESTRANGE'.

¹ Saxmundham is in Norfolk, some 12 miles from the Essex border.

² *N. P. Dom. Cur.*, ii., 427, No. 243. See Mr Stanley Weyman's *Shrewsbury* for a fanciful picture of this girl, whom the novelist would like to see in the same historical category with Lady Russell. There is something of her more akin to fact in *Fergusson the Plotter*.

³ *Fergusson the Plotter*, pp. 170-2. In his letters to his wife on the eve of the discovery, Fergusson is very earnest in desiring her to take Hannah back with her to Bath. There is a good sketch of Fergusson in the tract erroneously ascribed to L'Estrange (see Appendix), '*La Conspiration faite contre le roi. Ch. II.*', 1685. Prédicateur séditieux, auteur de quantité de libelles diffamatoires contre le Roy et ses ministres, éloquent inquiet, adroit, malin, et ennemy implacable du Roi'.

Ayloff and Fanshawe came in for a share of the busy Magistrate's attention, whose widespread correspondence and name brought him numerous notices of strange men in the City and Country¹. Argyll's books were taken and the information having been brought to L'Estrange, they were, despite Messenger Stephen's protest (he had now 'senselessly' changed sides) brought by Jenkins' special messenger, to his house in High Holborn. Various papers seized were likewise referred to the ex-Surveyor, and the examination and committal of numerous small fry of the conspiracy referred to him. There were besides all those suspects connected with the Press, of whom Roger's unparalleled knowledge and opinion had to be sought.

The person he dealt with in this connection was Wm. Blathwayt, Clerk of the Council, already referred to as having in his possession the 'Plot' Minutes of the Council. Those papers which referred to the Press, Blathwayt consigned to L'Estrange, much as Arlington did a dozen years before. Unfortunately we have no trace of the books and papers referred to in this correspondence.

*L'Estrange to Blathwayt*².

'14th July 1683.

'SIR,—I have carefully perused all the papers received. The Prints have nothing in them to be laid hold of. Those with the shorthand Sermon Notes, and an old letter are together bundled up in the Pacquet.

'The letter and Certificate here enclosed are likewise of ancient date.

'The Certificate is only matter of form and recommendation of young men to be entertained in the exercise of the ministry. The letter is the whimsy of a fanatical Scotch Minister written in his banishment to his congregation, rude and violent enough.

'It bears date in the time of the present concerns at Durham and nothing in it that I see useful or remarkable.

¹ He has information that they are lurking at Hitchin, Herts (*S. P. Dom. Car.*, ii., 433 (143)), 17th October 1683.

² *S. P. Dom. Car.*, ii., 428 (39).

But yet I have noted some passages in it with alphabetical reference to the Paper itself.—Yours, etc.,

‘ROGER L’ESTRANGE’.

L’Estrange with his powerful memory extending over twenty years’ sedition, and his ‘alphabetical references’ was admirably suited for sifting out the inferior characters of the Conspiracy. There were, for example, the servants of the two most dangerous men—next Fergusson—in London, Aaron Smith, would-be Counsel for College at Oxford and Plot-emissary to the Scots, and Richard Goodenough, under-sheriff during the shrievalty of Pilkington and Shute, and general counsel for the disaffected. The servant of the first of these was Samuel Starkey, nephew of Starkey the Whig bookseller, Clavell’s competitor in printing the *Term Catalogues*, and a constant irritation to the Government. Young Starkey earned the goodwill of his uncle by being useful in the dark schemes of his master, and after a pretended dismissal from Smith’s service on account of a growing detestation of that gentleman’s seditious associates, was taken back into his service when the latter returned from his mission to Scotland. On the discovery, he was naturally ordered into custody. A letter to Jenkins of 6th October 1683 complains that but for Sir Roger’s¹ rigour, he might have been useful in discovering the whereabouts of Armstrong, Grey, and the rest. His information of 5th July is quoted here because of the light it throws on the confederates in the Press².

Information of Sam Starkey.

‘Aaron Smith (when he was clerk) caused him to write several copies of writings called *Queries for the Better Establishment of Laws for England*. He made 7 or 8 copies. Smith told him to be secret as he valued the friendship of his uncle (the bookseller).

‘He constantly went with Aaron to meetings, and “thus I remarked upon these sermons, that they were consonant, to such proposals and papers as aforesaid (the *Queries*) and the ministers laid before the congregation the dangers they were in, and what a cloud of persecution was likely to

¹ *S. P. Dom. Car.*, ii., 433 (43). Sir Roger Harwich, not Roger L’Estrange.

² Information of Samuel Starkey, 5th July 1683. Endorsed ‘the original delivered to Mr Attorney General, 9th July 1683’. *S. P. Dom. Car.*, ii., 427 (60).

Mayne
Haselrig
Harrington

obscure the Gospel of Christ Jesus and would pray for the confounding of those hellish instruments (meaning, I conceive, the King and the Court)". . . . Simon Mayne (son to Mayne, one of the late King's Judges), Thos. Haselrig (kinsman to the late Sir Arthur Haselrig), had each a copy of the *Queries*; so Dr Harrington¹ (brother to the late Sir James)'.

There is talk of a treasonable letter, burnt by Starkey, containing an account of how the Whigs were kept hot, and then "goes on to Smith, the bookseller of the Elephant and Castle in Cornhill, how he was had before the Council for printing the *Association* and *Queries* upon it—that Smith denied it stiffly and bravely, was true and trusting and ought to be valued. Then he set forth a dialogue betwixt him" and the King in Council . . . and commends the boldness and audacity of Smith² in his answers. . . . It also says he was pleased at the *Satyr*s (a libellous paper upon the King and Court) and told Mayne that "Dryden was suspected to have writ it and was assassinated one night upon his coming from 'Will's Coffee-house in Covent Garden'".

'He overheard that Smith directed Oates and directed others what they were to say; Smith being looked upon as "an ancient stickler for the Cause and a man of profound parts", they consulted him'.

The other servant referred to, Hartshorn, who served Goodenough, was thought to know enough to ruin his master, but appears less ingenuous than Starkey. When L'Estrange heard of his release, he busied himself to blast his credit beforehand. Hartshorn's information is one of the earliest, and like Starkey's bore out the connection between the Faction and the booksellers. It mentions a company consisting of the famous Francis Jenks³, Goodenough, etc., 'the day before my Lord Shaftesbury's trial', when it was decided to order Cotterel, stationer at the Three Legs in

¹ Harrington was one of the Green Ribbon Club according to Dangerfield's List (see his *Narrative*). Mr Henry Starkey appears both in Dangerfield's and Nat Wade's Lists (see Sitwell's *First Whig*, p. 200) along with West, Bourne, Aaron Smith, etc.

² Smith (Old Frank) had fled, as we saw, but on returning towards end of this year was by L'Estrange's order, committed. Smith Sen. was seized, 3rd March 1684. His son and daughter (Eleanor) in Messenger Steven's report (15th January 1684) 'traverst their indictments till next sessions'. *S. P. Dom. Car.*, ii., 436 (35).

³ Of Jenks' *Speech* fame, June 1676. See chap. vii., 200.

the Poultry, to get printed a Chronology, *i.e.*, a list of Court enormities. Jenks naïvely asked 'if they would insert the manner of the designs they had to kill the King, that it might be for future ages to see how they had served the son as they had served the old King'. But Goodenough said: 'The Whigs were too great politicians to do the same thing over again, etc. . . . they would have enough Billa Vera's to hang all the butterflies at Court'¹. Hartshorn was now at liberty, but one of the 'butterflies at Court', Roger L'Estrange, on the 12th July informed the Secretary that 'though sound in credit at Whitehall' he was 'a very scandalous, dangerous fellow. He was a prisoner and since this conspiracy came to be laid open, he hath been set at liberty, but I cannot learn upon what terms'. To crown all, the writer has lately learned that Hartshorn 'hath lately forged a writ in counterfeit of Mr Justice Witham's hand' and indeed 'saw it himself'².

Among the other inferior persons of the Conspiracy on whom L'Estrange kept a wary eye were Prosser, Cawdron³, and Glover. The first was a servant of a certain Eastwood, but had decamped a year before after robbing his master. On 6th July, Prosser had been discharged attendance on the Council *without fees* and under a cloud of suspicion⁴. In October when L'Estrange examined the papers of Katherine Menzies or Kildare, he found some correspondence from Prosser. This man is interesting as one of the intermediaries between the booksellers and the Conventicles. We shall find him later concerned in the distressing case of Child's perversion and suicide. On that occasion Larkins was employed to print. The dates on which Starkey and the other printers appeared before

¹ He also mentioned the King's disgust at the City—the cause of his projected Palace at Winchester. There are many songs on the subject (*S. P. Dom. Car.*, ii., 427 (152)).

² *S. P. Dom. Car.*, ii., 427 (291). An intercepted letter of Hartshorn, warning the Earl of Clare that he is being suborned against him, dated Gatehouse, September 1683, shows that Roger's hint was taken, and the 'dangerous fellow' re-committed. The hint of subornation seems to point to similar practices to those which made such a scandalous chapter in the Popish Plot. L'Estrange managed the prosecution of Clare and demanded a share in the spoil. See p. 311.

³ Steward to Earl of Clare, a 'receiver of Oliver's in Ireland . . . a matter excerpted out of the Act of Oblivion', says L'Estrange to Jenkins, 17th October 1683 (*S. P. Dom. Car.*, ii., 433 (147)). In the same letter which shows him to be overwhelmed with 'Plot' work he highly commends the exertions of Hanse. Cawdron was sentenced for seditious works, 12th May 1684.

⁴ Council Minutes of 6th July (*S. P. Dom. Car.*, ii., 427 (No. 223)). He was a fanatic bookseller, and had been prosecuted with the John Howe noticed on p. 327 for *A Satyr upon Scroggs*, 1680 (Hart, *Index*, p. 276). He appears again, xi., 356.

the Council were 8th July and again on 29th September. We see the hand of L'Estrange in the proceedings. Besides Starkey, Cotterel (Printer of the *Queries*), Dunton, and Parkhurst, the great Presbyterian bookseller, appeared¹. These men were accused of printing the obnoxious *Plot Sermon*². Dunton said he refused to take a hand in it, but Starkey confessed to printing. Dunton's matrimonial bliss was interfered with by these examinations, and after the Monmouth Rising he fled to New England to collect a debt as he humorously says³. At this examination also appeared Lowndes, the great bookseller in the Strand, against whom 'is nothing but Mr L'Estrange and the Common Seargeant to his prejudice'⁴.

In September the four Stationers and authors examined were Chiswell, who had absorbed, and was increasingly to absorb, the greatest trade in London, 'Julian' Johnson, Russell's intrepid chaplain, Darby⁵, and Curtis, the children of the seditious Press. The cause of this second appearance of the printers was the publication of Lord Russell's Speech and *Julian the Apostate*, the latter blamed, as we saw, by Shower for the sentiments which inspired Russell and the Conspirators. The first part of this famous tract came out in summer 1682, the second had been ready on the eve of the discovery, but was judiciously withdrawn from publication, though the copies were carefully stored till the omens were more auspicious. Besides 'Julian', Darby admitted printing 20,000 copies of Lord Russell's Speech, and Curtis the first part of *Julian* 'in the country' when his wife was carrying on his *Mercury*⁶. He denied, however, printing

¹ Council Minutes, 8th July 1683 (*S. P. Dom. Car.*, ii., 428 (138)).

² Parkhurst said the *Plot Sermon* was 'a Sermon sold up and down called *Truth Will Out*' (*S. P. Dom. Car.*, ii., 428 (147)). Starkey had been outlawed in 1682 for printing an *Historical Discourse of the Laws of England from MS. Notes by J. Selden, Esq.* (Hart, *Index*, p. 258).

³ *Life and Errors*, p. 79.

⁴ See his character, *ibid.*, p. 213; for Starkey, *ibid.*, p. 210. He fled to Amsterdam, where Dunton met him.

⁵ *S. P. Dom. Car.*, ii., 433 (244-7): 'Darby is a most dangerous, desperate fellow. If any information shall produce an order for searching his house, I humbly desire the messenger may advise with me, for he has (or had at least) a secret conveyance for 50 or 60 persons which I can direct to'. Roger L'Estrange to Jenkins, 7th September 1683, *ibid.*, ii., 432 (117).

⁶ The *True Protestant Mercury*, for which (10th June 1682) she was indicted when she refused to inform of her husband's whereabouts (Hart, *Index*, p. 254). Nothing is more remarkable than the inveteracy of these men, Darby was tried 20th November 1683, and on his submission, 1st February 1684, was lightly treated. Curtis was sentenced on 21st April 1684 for yet another libel, *The Night-Walkers of Bloomsbury* (Hart, *Index*, pp. 280 and 283).

Hunt's *Postscript*. Johnson admitted the authorship of *Julian*, and stated that Hunt and the great Whig lawyer, Sir William Jones, approved it. Chiswell, like a tradesman, shuffled out of the matter. He 'took it (*Julian*) for a piece of History'. He 'never read it', 'knew the author in all things to be a conformist'. 'There was no obligation to put his name to it'—which was quite true¹.

Although L'Estrange does not appear by name in this scene, we may reasonably conjecture that the leading questions were suggested by him.

These examinations settled in the mind of the Government the need for drastic and final action in connection with the Stationers. The absence of any Press Act—and the hopelessness of expecting another—made an extension of the general attack on corporations to include the rebellious Company very necessary. In October, the Stationers were informed that a thorough purge was contemplated, and that body, enfeebled by the late proscriptions and prosecutions not only of men like Larkins, Curtis, and Smith, but 'great' men like Chiswell, Dunton, and Parkhurst, offered less resistance than at any moment of the reign. In future, it was announced, no officer of the Company, not approved by the Crown, could take office. At the same time, the Charter was to be called in and a new one granted. For practical purposes, these resolutions finish the History of this famous Company.

There was one man more obnoxious than all the rest put together. It was rumoured in October that Harry Care of *Weekly Pacquet* fame, and collaborator with Milton's nephew, John Phillips², in numerous Plot Narratives, etc., had found salvation in the Plot discovery. In the very first of the trials he was mentioned as one who was suing for grace, with promises of discoveries³. There is something peculiarly mortifying in this conversion under

¹ *S. P. Dom. Acc.*, ii., 433 (611). Council Minutes of 29th September 1683. See his lengthy apology to Jenkins, 15th January 1683-4, *S. P. Dom. Acc.*, ii., 436 (31). He is a hearty lover of the King and Government and conformity to the Church of England is his avowed principle. Dunton (*Life and Errors*, p. 204): 'His name at the bottom of a title page does sufficiently recommend it'. The list of Chiswell's publications given in the *Gentleman's Magazine*, liv., 179, does not include *Julian*.

² 'J. Phillips, the supposed writer of *The King's Evidence Justified* and some other Whig stuff . . . prized very much by the party upon the score of his having been brought up at the feet of that great Gamaliel, John Milton'. *Heraclitus*, p. 64.

³ See Walcot's Information, *State Trials*, ix., 449.

peril, and at the expense of old associates, of a main instrument like Care. It has been said that nearly all the Whig writers 'ratted'¹. But he had said such things, and in such a way as made a change seem out of nature. The rumours brought no balm to one wounded breast. Roger L'Estrange was alarmed as he had been when Nedham became in the same way eligible for Court favour. His revengeful spirit lies patent in the letter he addressed to the Secretary, 25th October 1683.

'Care (the writer of the *Pacquet*) is certainly making his application for favour. I have written to Mr Attorney-General about it. Give me leave, I beseech your Honour, to think that after all the scandals that villain has thrown upon me for doing my duty, I have some sort of reason to hope that he may be obliged to set himself right with me. I have no other end in this, than to offer that as a pacification of giving him this answer upon his Petition, that his way would be to go to L'Estrange and to see what report he will give concerning him upon a consideration of what he has to say.

'Upon this authority and occasion of examining him. I can ask him such questions as nobody else is privy to. I do certainly know that he can make very great discoveries, and I will as certainly put him to it. And besides (with honour to your character and person) there is a very great respect both to his Majesty's service, his ministers and his learned Council in this very offer of diverting this office out of their hands. For I will make no scruple of appearing in many things, wherein if I should transfer an importunity to your Honour, it would not be answerable to your Professions and to your obligation of my being, Sir, Your Honour's most affec. obedient Servant,

'ROGER L'ESTRANGE'².

Upon what terms Care was received into the loyal camp, we do not know, but from the abuse which still publicly came from L'Estrange it is clear that his lust for revenge

¹ Save Shadwell. Beljame, *Le Public et les Hommes de Lettres*, p. 220. But see Care's Defence in the preface to his *Lex Draconica* (1687), where he protests that it was 'not all for belly's sake'.

² *S. P. Dom. Car.*, ii., 434 (192)

was not satisfied¹. Another and greater prey seemed to lie at his hand, and with the same hypocritical pretence of 'having no other end in this', he proceeded to demand it. It was in October that he heard of the steps to be taken to reduce the Stationers, and that the Company was forestalling ruin by a complete submission, which might be as successful as that in 1670. A new Charter and, sooner or later (as he believed), the old state of things, was contrary to the wishes of L'Estrange, who desired nothing more than to see this seed-bed of sedition for ever dischartered and managed by a Crown officer—himself for preference. As he had said long ago, so he repeated now—

'The interest of their Trade and that of the State are diametrically opposite—for the worst books bring them most profit, and there is a mystery in the manage of these affairs, which will certainly mislead and impose upon any man, that is not thoroughly acquainted with all the secrets of their business'.

'The short way', he proceeds, 'to keep them in order will be this. His Majesty may be pleased to appoint a standing officer of his own to Superintend the Company in such manner and with such power and limitations as shall be found reasonable. The Company to allow him £200 a year for the purpose of his establishment, which may well be afforded out of above £5,000 a year which the Company enjoys by the bounty of the Crown². I do not propose this upon any prospect of recommending myself to that office, though I have a Patent already of 20 years' standing, which constitutes me the sole overseer of the Press, and his Majesty knows it was never so clear as while I was supported in the execution of that duty. It is no vanity for a gentleman to pretend to any extraordinary Faculty in an employment of that quality and, therefore (being sure

¹ In James II.'s reign, however, some sort of peace was probably arranged. They both appeared against Halifax's *Letter to a Dissenter*, and in his *Lex Draconica* Care went far beyond L'Estrange's limits in publishing a list of religious bonds and persecutions which made a clear case for Parker's plea for the Repeal of the Tests. As to Harry's latter end, it was like that of Dryden, L'Estrange, Settle, and so many others—wretched. 'It is true', says Defoe (Introduction to 1st volume of *Review* (1704), Lee's ed., ii., 618), 'he had his imperfections and the fury of circumstances, and the unhappy love of his bottle, reduced him low for a man of his capacity'. Defoe esteems himself unworthy 'to carry his books after him'. For a story in connection with Roger's feeble reply to Halifax's tract see *H.M.C.*, 7th Rept. (*Verney MSS.*), p. 505b.

² From the Monopoly in various Church books, Bibles, etc.

the King is now betrayed and as certain that he shall never be betrayed by me) I take the freedom to speak my fears that it will be hard to find another hand that can do it and when I shall have set the which a-going, I shall as readily submit that anyone else may reap the credit and the finish of my endeavours, which has hitherto been the constant fate of Your Honour's much obliged and affec. Humble Servant,
 'ROGER L'ESTRANGE'¹.

Happily Jenkins had sufficient sense to reject this advice. But the reform of the Stationers was to be none the less real. At this moment, the Company was again encumbered by their perennial dispute with Oxford over their monopoly in Bibles. Jenkins like Williamson, was closely attached to Oxford. Among other slight things Dr Wallis, who was delegated to plead Oxford's case, had done service in correctly deciphering the secret correspondence of the Whig traitors².

The matter dragged on through the winter 1683-4. On the 23rd March 1684 the Stationers presented a petition to the King, the preamble of which recounts their History and Privileges from the Incorporation by Mary. Without quoting this lengthy document³ in full, it may be said that it asks the King to assume the veto on all appointments and asks him to confirm the appointments of the present officers Norton, Towse, and Hills, all men of traditional loyalty. The Clerk and the inferior officers are to be appointed directly by the Crown. In the new Charter the King is besought to insert such clauses, as will for all time make seditious printing impossible. Finally an important clause which foreshadows the Proprietary Act of Queen Anne, 1710, asks for the sole right of entering copies in a book.

A more abject apology than the peroration it would be impossible to conceive.

One result of this proscriptive method was that lists of the loyal and disloyal were canvassed for transmission to the Secretary's Office. There is, for example, a paper dated 5th April 1686 subscribed by three Stationers (evidently those proscribed by the chief Stationers) presenting a list of the present assistants 'with the character of those that are or

¹ 11th October 1683, *S. P. Dom. Car.*, ii., 433 (65).

² *Ibid.*, 434 (74).

³ *Ibid.*, 437 (101). The Stationers Orders were exemplified in 1684. See Arber, *Registers*, i., 4-20.

have been factious to which we have put a cross against their names'¹.

From these rival lists the Attorney-General no doubt arranged a comfortable compromise. The degradation of a great Society could go no further.

There was one important official who had received his *dimittis* a few months after the settling of the Charter². Stevens (or Stephens), the messenger, had, as we saw, 'turned Whig most senselessly' about the time of the Sheriffs' Election and acted injuriously to the Government. The *Observers* of 1683 are full of charges against this poor man, as that when in the pursuit of Hunt, the Whig lawyer³, he whiled away his time, informed Hunt's wife, and babbled his warrant all over town⁴.

He contested, as we saw, L'Estrange's right to the seizure of Argyll's books, and when any of the Faction was in danger gave timely warning in the coffee-houses. In September 1683, when it became clear that Robin was bent on following out his Lord Mayor's warrant to the extirpation of the *Observer*, L'Estrange hunted out one poor wretch, John Howe, a factious bookseller, who declared that Stephens was persuaded by a bribe of 20s. to leave him alone, despite his warrant⁵.

The renewed prosecution of the *Observer* came on in the very month when he was asking Jenkins to make him Crown Governor of the Stationers at a salary of £200 a year. L'Estrange wrote here and there in a blind fury, first to destroy Stephens' credit, then to prove that the *Observer* was not a newspaper, and in the last resort to produce his ever-ready 'patent of more than 20 years'

¹ *S. P. Dom. Cor.*, ii., 437 (129).

² Luttrell, *Diary*, 19th December 1684 (i., 323): 'Robt. Stephens, messenger of the Press is lately turned out'.

³ L'Estrange and the pursuit of Hunt. See a letter to Jenkins, 18th January 1684 (*S. P. Dom. Cor.*, ii., 436 (79)), 'without doubt, Hunt is privy to the conspiracy'. Let him search his friend Lovel's Chambers. Thompson's *Loyal Intelligence*, 20th February 1683, says that Hunt has fled to Holland. See also the *Loyal Intelligence*, 1st March 1682, for Steven's character.

⁴ See *Observers* for 20th and 23rd April 1683 (i., 323 and 325): 'a rogue that was accomplice the very scandall of the Printing trade while he wrought among them. How often has this glavering fellow come to me for notes against Care, Curtis, Starkey, and others! . . . I give him those instances that would certainly have reached 'em, but the devil-a-bit I ever heard of them more'.

⁵ Howe had the honour despite his present treachery to be tried with Baxter, May 1685. His case is quoted by the author of *Reasons Humbly Offered for the Liberty of Unlicensed Printing* (1683), who was probably Chas. Blount. L'Estrange himself took his information, 18th October 1683 (*S. P. Dom. Cor.*, ii., 433 (149)). Such was his notion of justice.

standing'¹. In spite of all this Joanna Brome was indicted, and the *Observer* presented for a second time as a disturber of the Peace. But while nothing came of the Presentment, Robin's fate was sealed. In December 1684 he was dismissed², but all true lovers of virtue triumphant will rejoice to hear that he had a glorious resurrection at the Revolution. In one sense, therefore, his conversion was not so senseless as Fergusson's. It may be of some interest to note here that 'Popish Nat' Thompson, Stephens' old employer in the days before the Libels Committee of 1677, had also his *dimittis* in November 1687 from gaol to another world. Since his pillorying in July 1682, half his life had been spent in prison, and at the time of Stephens' dismissal he was committed for a libel *The Prodigal's Return Home*, which denied the King's supremacy³.

One department of literature, constantly under L'Estrange's lash for twenty years and the very vehicle of sedition, now presented itself for correction. Modern readers can scarcely understand how long and obstinately the *Newsletter* contested the ground with the printed sheet⁴. Its greater freedom in treating Parliamentary matters gave it a decided bias towards what was then called sedition. In loyal Muddiman's hands this was not the case; but even in the days of his monopoly L'Estrange had protested against the immunity of this kind. Now the Penny Post enabled a new race of Whig news-

¹ See his letters to his lawyer friend Chas. Hanse and to Jenkins, both of date 18th October 1683 (*S. P. Dom. Car.*, ii., 433 (151)). The former deploras the law charges (evidently the *Observer* was in no great danger) of £20 for the presentment, and defames Stephens on the score of Hunt, that to the Secretary in connection with Howe. Both show him in a mean light; Howe's crime was an indecent attack in verse on the Duchess of Portsmouth which Roger forwards. *S. P. Dom. Car.*, ii., 433 (150), see also Dunton, *Life and Errors*, p. 220.

² His successor was Thos. Saywell, who acted more 'loyally'. At the time of the Monmouth Rising he journeyed into the West in the trail of Jeffries. The Press messenger's salary was £50 per annum (*Secret Services of Charles II. and James II.*—Cam. Soc., 23rd January 1683), besides expenses.

³ Luttrell, *Diary*, i., 176, 381 and 421. The *Observer* (i., 325) in which Roger defends his paper is of some importance for the History of the Press. Stephens 'threw down His Majesty's Proclamation of May 1680, and so the Bill was found'.

⁴ See chap. v., 155. Mr J. B. Williams' instructive article on the *Newsbooks* and letters of news of the Restoration (*Eng. Hist. Rev.*, April 1908) does not bring down their History to the present date. Mr Stanley Weyman's treatment of Mr Brome, the *Newsletter* writer, in *Shrewsbury* is not open to so much objection as his portrait of Fergusson. See also Aubrey, *Lives of Eminent Men* (ed. Clarke), i., 15; North, *Examen*, p. 133, and Beljame, *Le Publicist et les Hommes de Lettres* (1881), pp. 174-5; Wood, *Life and Times*, Clarke, iii., 180; Lady Newdigate-Nowdegate's *Cavalier and Puritan*, introduction, pp. viii.-ix., has some general remarks on the *Newsletter*. This work is a collection of Extracts from a series of *Newsletters* in 19 folio vols. from 1675-1712.

men to make it the very vehicle of sedition. Perhaps the most obnoxious of these was that 'little Hancock' of Libels Committee fame, and so often inveighed against by L'Estrange¹. In the Whig triumph of 1678-81, no one could compete with him. But there were others, and a natural rivalry existed of which the Government now took advantage in the case of William Cotton², 'now (15th October 1683) in Mr Atterbury's house, in close custody'.

The valuable document³ in which Cotton exposes his brethren and the character of the trade is too long for full quotation here. For himself he says: 'I did not hold correspondence with those men myself for the news, but procured it by other hands from them, and so I gave so much a week for it as it cost them, and our coffeehouse had Mr Hancock's letter again in an hour's time, when I had taken out what I had occasion for'. Of Hancock: 'He is one that hath great intelligence, both from Court and Council. . . . He hath often very private things which he doth show to such as he thinks good, and whatever is considerable whether publique or private he hath it with the first. . . . I believe he hath a great number of customers, since I lost mine, for when I wrote he brought above 300 letters oft-times to the Post'. He gets £4, £5, and £6 a year for letters. 'I have often heard that he made it his boast that it was worth (I am sure) £100 a year, I think £150'. Combes⁴ the coffee-house writer is here. He makes up for

¹ See chap. vii., 178. Epistle Dedicatory to 2nd pt. of *Dissenters' Sayings*: 'What if ye should set forth your grievances in a *Protestant Mercury*, or get little Hancock to open your case in one of his *Newsletters*? He'll do it for pence a piece and that's just 18 pence for his reward'. The *Newsletter* business was a lucrative one. 30s. 8d. a quarter is quoted as a fair price, £6 a year elsewhere. The stock-in-trade was modest. The majority of writers did not trouble to plant a correspondence, but either bought the news they stuffed into country letters from other news-writers, or as in the case of Cotton, cited above, borrowing for an hour from a neighbouring coffee-house Hancock's Letter. Hancock was now in gaol, and very willing to do a little spying for Liberty. *S. P. Dom. Car.*, ii., 427 (153), 5th July 1683.

² Often lashed by L'Estrange, to whom his arrest was doubtless due. See *Observer*, 230, 25th October 1682: 'I hope the written news-sheet shall go current still, and Hancock, Kid, and Cotton made the superintendents of that province'. *Observer*, i., 259: 'I fancy Trimmer, that if you and I could but get leave to peep out of our graves again in a matter of 150 years hence, we should find these papers in Bodley's Library among the Memorials of State and celebrated for the only warrantable'. Even Muddiman's letters were specially forbidden at Oxford in 1686 (Wood, *Life and Times*, iii., 180).

³ *S. P. Dom. Car.*, ii., 433 (120-1).

⁴ Is this the Combes of Dangerfield's Green Ribbon Club List? See his *Narrative*. See also Thompson's *London Protestant Intelligence*, 1st March 1682: 'The generality of Newswriters about Town are factious and have foisted their wares upon most of the nation at the constant pension of 4s. or 5s. a week per Coffeehouse'.

a failing trade by his letters. A Mr Blackhill serves the coffee-houses with his letters, and the *Haarlem Courant* translated. We learn from Cotton's paper that '*the coffee-houses were commanded last summer to take in no more written news*'. Three shillings and sixpence a week for Hancock's letter was given. 'Many scores of clerks are maintained by the Industry, and several of the Post Office clerks write letters'.

When we remember the incessant wrangles over this question, the Government, we may think, had reason to congratulate itself on being able to lay its hands on the chief offenders.

A period of great repression had now set in, when the very bluecoats and schoolboys were to be turned out as little Tories, and the loyal corporations were tumbling over each other in the race to yield up their Charters. To this rout of the Government's enemies we may claim that 'the loyal L'Estrange' had contributed not a little. He was now seventy-two. At the beginning of the period marked by this chapter, he had just returned from a miserable exile, the butt of the jeering wits and an offence to the nation. Now he was a 'great man at Whitehall', but his vindictive treatment of his literary adversaries, of Care, Hunt, Phillips¹, Hickeringill², and Johnson, places him altogether outside the pale of civilised letters and makes him the true comrade of Mr Bayes.

¹ Phillips' *Speculum Graeco-Gymnorum*, 1632 (modelled on Eachard's famous *Grounds and Occasions of the Contempt of the Clergy* (1670), dedicated in a letter to R. L. (Estrange)) was described as 'by a guide to the Inferior Clergy.' Hence, as in Care's case, Roger's wrath. See W. Godwin's *Lives of Edward and John Phillips* (1815), p. 223. In 1690 after 'ratting' a second time, Phillips viciously attacked L'Estrange in his *Secret History of Charles II. and James II.*: 'The ridiculous pen of R. L'Estrange . . . with the buffoonery of his bantering acquirements'. *Lives*, p. 273.

² Rector of All Saints, Colchester, the most gifted and voluble of the earlier Whig clergy, modelled himself on Erasmus, and struck at nothing so fiercely as the *Imprimatur*. Although his *Gregory, Father Greybeard in a letter to our old friend R. L. (Estrange)* from E. H. 1673, is described as 'a Reflexion upon the *Rehearsal Transposed*', it shows much admiration of Marvell's work, and joins him in an attack on L'Estrange for 'keeping the key of the Press'. 'I had not written to you (R. L.) above all others, but on purpose that you might open the Press-door and let me in with "*Imprimatur* R. L."'. The honest booksellers being guided solely by the sale, have imbibed a prejudice against books so marked in the forehead constraining it to be a brand of Infamy'. His *Naked Truth* (pt. i.) made matter we saw for the Lords Libels Committee, 1677, while the second part of the same was the cause of his appearance at Doctors Commons, 8th June 1681, and the furies of Jeffries. The *Observer* brackets him with Marvell and 'Julian' Johnson. For his recantation see p. 353. Like 'Julian', Bagshawe, and others of the Whig Divines attacked by L'Estrange, Hickeringill was chaplain to a distinguished nobleman—the Duke of Albemarle. See *Roxburghe Ballads*, v., 220-2.

CHAPTER XI

(1684-9)

THE WHIG DÉBÂCLE

IN the closing months of Charles II.'s reign, we see L'Estrange in three characters—as a Government spy on the conquered City, as the tracker-down of Oates and the rest of 'their evidenceships', and as the vehement exposé of Mr Trimmer (in other words the Whig Revolt) in the Church.

In the first of these capacities, we are able to compare his fearful lucubrations with the less nervous reports of another City spy, who does not sign his reports, but who was probably Atterbury, the chief of this department.

L'Estrange, whose imagination makes 'every bush a bear', cannot conceive that his and the Government's enemies after a generation's contumacy, should sink into even a sullen acquiescence. No doubt his hopes lay in further 'plots' and discoveries. The other writer does not minimise the Government's task or the inveteracy of the Faction, but he has the sense to see that for the moment the Whigs had accepted the inevitable.

The earliest of these City advices was timed to prevent any notion of clemency in the case of Sidney. The writer—suffering from the gout and therefore indebted for his information to 'some considerable visits', rather than personal observation—

'finds such a portending damp upon the spirits of diverse men of honour, interest, and resolution that he cannot but tremble at the consequences of this desperation, if they be not timely recovered. Their being so much in the dark makes all shapes and noises frightful to them. The other party in the meanwhile are as huffy and bold well-nigh as ever they were. I doubt not but thousands of

letters are sent into all quarters with the news of the Duke of Monmouth's disclaiming the publication in the *Gazet* of his declaration and submission; how his Grace hath complained to the King of it, that it is to be retracted in the next *Gazet*¹.

'They give it out that Col. Sydney is to be pardoned upon the Duke of Monmouth's clearing of his word to the King, and that the witnesses are to be questioned.

'All people are inquisitive and anxious. I say the best I can and more than I know. The enclosed is sure.—With my most humble duty,

'ROGER L'ESTRANGE².

'Nov. 30th, 1683'.

In February of the next year, Roger continued the same anxious and querulous vigilance, extending it to include Bristol, the scene of the most dangerous branch of the late plot, where old Sir John Knight was retiring from his work of harrying Quakers and Anabaptists. 'The town of itself', writes L'Estrange, 'is not right, and as it had not been what it is without him (Knight), so neither will it hold when it is without him. It is known that the conspirators intended Bristol for their magazine and I am misinformed if Rumsey hath not declared that Knight and Thompson were the men that disappointed all their designs'³.

A month or two later Roger had some confirmation of the importance of Bristol in the report of Holloway's capture at St Eustatia in the West Indies, which he immediately communicated to the Secretary, evidently in the belief that his report was news. That growing habit of tutoring Jenkins which shows some degree of familiarity in their relations, is observable here:—

L'Estrange to Jenkins.

'8th Ap. 1684.

'My heart is so set upon this thing, that I cannot forbear suggesting to your Honour, that if this providence

¹ As indeed it was. See the *Gazet* under date, and Foxcroft's *Life of Halifax*, i., 401-4; Burnet, ii., 406-8 with Mr Airy's note; Sprat, *Hist. of the Conspiracy*, Appendix, pp. 137-140; Ralph, i., 789.

² *S. P. Dom. Car.*, ii., 434 (152).

³ *Ibid.*, 436 (225), 28th February 1684. The Rev. Richd. Thompson is the 'Tantivy' who incurred the displeasure of the Commons in 1680 and was bracketed with L'Estrange as 'Red' in the letter from Scotland. See chap. ix., 260.

could be kept so private as that Rumsey should have no inkling of it beforehand, some good men that know both Holloway and Rumsey very well, are strongly persuaded that a great light might be gathered from the sifting of this matter towards the making out of many things that are hitherto in the dark.

‘It is given for granted that Rumsey keeps himself yet upon the reserve’¹.

Of the state of the City in the spring of 1684 we find side by side with an anonymous advice, March 20th—‘The Whigs are very low as well in City as suburbs. All meetings being every Sunday beset with constables’²—L’Estrange’s fearful report to Jenkins on 12th March 1684.

‘There are certainly a great many new faces come lately to town, *full and frequent* meetings, and some persons taken notice of that cannot be understood to have any business here, but mischief—as Manly, the broken brewer, and one of Cromwell’s Majors, Wildman, a bold and desperate fellow.

‘There is notice taken of men that walk late more than ordinary. Perhaps a strict account of night walkers and a diligent search in the stables about Moorfields and Spittalfields to take an account of what and whose houses, might make a discovery. There is a young man that has lodged two or three months in Vere St. He has never stirred abroad. Nobody knows what he is, only a lass in the

¹ *S. P. Dom. Car.*, ii., 437 (91). As L’Estrange’s earlier communication of this important seizure is dated 4th April, *S. P. Dom. Car.*, ii., 437 (73), it may be his report was the first to apprise the Secretary. It is interesting to note that he prepared Holloway’s dying speech for the printer, the naive proposal that the West Indies should be made an asylum ‘for all religious folks’ being marked in Roger’s writing ‘to be left out’. Rumsey’s complaint to Jenkins on 14th May that he ‘had been loaded with more than he was guilty of in Holloway’s narrative’ is an ironic comment on L’Estrange’s feverish desire to get Rumsey’s full evidence against Holloway. The latter was probably the most ingenuous of the conspirators, and one of the few seduced by public motives. He made no greater submission than the fear of death may excuse. Nor did he incriminate any one—with the exception of the wretched Rumsey—who could suffer by it. His verses—he was an inveterate rhymster—written in Newgate, 9th April, have a pathetic sincerity.

‘I now a prisoner am to London come,
But not afraid, not yet a friend to Rome
Nor Rome’s adherents, Tories, Popish tools
Of Englishmen, the most besotted fools
I will no friend betray.
But rather choose to gang up Holborn way’.

² *S. P. Dom. Car.*, ii., 437 (66).

house was saying he looked like a woman in man's clothes. This person is visited twice or thrice a week constantly by Major Wildman who stays commonly two or three hours, sometimes longer. He leaves his coach and servants in the next street'¹.

An unusual attack of nerves is also seen in his report a few days before the seizure of Holloway.

'I reflect upon some among the rest (of his letters) which I would only have recommended to your particular self, and if it may stand with your convenience and good liking, I would beg those may fall into no other hands.

'*There is something a brewing more than ordinary.* Sir Sam. Bernardston, Dr Cox, H. Nevil and Major Wildman² are exceeding busy back and forward, up and down within these three days'.

The executions of Holloway and Armstrong created an³ unparalleled dejection in the Faction, and a corresponding relief in Court circles. But the three months' calm which followed was well understood to be deceptive. Such was the state of Parties that the slightest movement one way or another in the Law Courts which could possibly have a party construction, was eagerly canvassed, as if it carried the fates of the Party. Every new trial—those notably of Bernardiston and Papillon, and the thirty-two writers whom Carrel computes to have been convicted for libel in this year⁴, drove the Faction deeper and deeper into its own brooding counsels, which it did not take a prophet to foretell, would on the first occasion flare into rebellion. At the same time, many were ready to be converted into

¹ *S. P. Dom. Car.*, ii., 437 (229). Why Wildman was not arrested is as great a mystery as Fergusson's escape. See Macaulay on Wildman and Danvers, *History*, chap. iv. See also an earlier information of L'Estrange of 12th February 1684 (*Car.*, ii., 436 (183)) of a Lodger 'who by speech and report goes for a Scotchman, who goes sometimes in canonical habits and sometimes in a black coat without the gown—very shy of being noticed—inasmuch that upon the servant's bringing a candle he hath broken out into exclamations, crying, "God damn ye—what do ye look at". Goes out early and comes in late'. Truly, 'men must not walk too late'. Of Wildman, Hallam (*Cons. Hist.*, p. 464) remarks: 'a name not very familiar to the general reader, but which occurs perpetually for almost half a century . . . one of those dark and restless spirits, who delight in the deep game of conspiracy against every Government'.

² The *Gentleman's Magazine* (1742), vii., 203, raking up the evidence of the 'Murder' Committee, 1689, says: 'they (Graham, Burton, Hanse, and L'Estrange) offered one Cragg a pension of £100 quarterly, if he would become evidence against the E. of Macclesfield, Lord Delamere, and Major Wildman'.

³ *S. P. Dom. Car.*, ii., 437 (583).

⁴ Bohn's *Charles II. and James II.*, p. 184. See *State Trials*, x., 126-7, for a note to the same effect.

Trimmers, as there was a sagacious section of the Court party ready to meet them on that common and abused platform. It was charged against the wealthier Whigs, just as it had been against the weary Cavaliers in 1659, that in the late conspiracy they had been too purse proud to move¹. The main body of dissenting clergy were not admitted to that conspiracy, and already Fergusson—the arch-plotter—was coming in for a harvest of reproach from the sober element of his own party.

Two trials in the autumn focussed the interest of the nation, and in the event cheered the Faction beyond their best hopes. In the first of these Hayes was acquitted, and in the more important, Rosewell², the fanatic preacher, was both allowed counsel and on the second day of the trial spoken so civilly to by the Bench that, as in Wakeman's case, it was interpreted as a signal from Whitehall and a confirmation of the rumours of Charles II.'s closing months, that he was turning away from the Duke of York.

In October and November, we have for example one or two important letters of the anonymous spy alluded to, which throw some light on the City in these last months.

‘29th October.

‘Since I have known anything, I never knew the Whigs in London so very wary in managing their discourses and of their Company. If 3 or 4 be together in an afternoon upon the Exchange talking of news, if two more of their party join them, part of the rest shall walk away, how desirous soever they are to hear the discourse. . . . They yet say little of Rosewell's case because he is only arraigned and hath so long time as to the 18th November for his trial.

‘Nat Thompson's commitment is upon the stage; they say it is a wonder he should be committed for printing Popish books, and that there are Whiggish books which he hath also printed, which give the greatest offence, and it appearing that he is a mercenary fellow for any field that pays him well.

¹ Bourne's second Information, 6th July 1683 (*S. P. Dom. Ctr.*, ii., 427 (223)) Fergusson said nothing was to be expected from the rich old citizens, and therefore half a dozen of them must be taken out of their houses and hung on their sign-posts'.

² *State Trials*, x., 147, 23rd October 1684.

'I do observe that a great number of such as are outwardly good Church of England men and have little in them of preciseness do at this juncture speak more plainly and resolutely against the Government than the Dissenters. There is a mighty party that seems to espouse the cause of the late E. of Essex, and Lord Russell, and which in all appearance will never be reconciled unless the Duke of York and the Duchess of Portsmouth should happen to die. . . . They say the Court and great ones dare not look a Parliament in the face'¹.

It need scarcely be said that in the reference to the 'Good Church of Englishmen', we have an indication of the rise of the mighty party of Mr Trimmer, against whom the *Observer* was now turning all his shafts of angry ridicule.

What with gout, dread, a wretched home life and approaching bereavement, the author of these papers takes a gloomier view. On 3rd November 1684 he had proposed to Jenkins certain questions to put to 'One Philips—a writer'—who had been privy 'to the contrivance of several narratives which may enable him to make a great discovery'².

The next communication we have from him is dated 3rd February 1685 when news of the King's fatal seizure was creating incredible anxiety in all parties.

'SIR,—No time is unseasonable for the duty of that season. Immediately upon the news of yesterday morning's dismal accident, there was a great stirring up and down, from one to another, in the King's Bench, and a confluence

¹ *S. P. Dom. Car.*, ii., 438 (203). See another letter, 26th November 1684, where the writer noting the issue of the two trials alluded to, repeats his distrust of Whig calm, though 'they are more easily managed than he took them for'. On the 29th, 'They speak more reverently of the King'.

² *S. P. Dom. Car.*, ii., 438 (213). John Phillips, Milton's nephew. There is an MS. note on the fly-leaf of a pamphlet *Horse Flesh for the Observer* (1682), by T.D., B.P., Chaplain to the Inferior Clergy's Guide. 'This Writ by Mr Phillips the poet in answer to several observations in relation to Mr Prance. This Prance was a silversmith and as the *Observer* pretends made brass screws—when they should have been silver'. The writer adds, 'These *Observers* were writ by Sir Roger L'Estrange, a man of great parts, but of no principles, a great incendiary'. Phillips wrote an excellent Vindication of Oates, 1680. Like Care, Settle, etc., he 'ratted' most shamefully, abusing his old comrades in a poem on the death of Charles II. See Wm. Smith's *Intrigues of the Popish Plot Laid Open* (1685), quoted in Wm. Godwin's *Lives of Edward and John Phillips* (1815), pp. 204-8. Phillips dedicated his translation of *Don Quixote* (1687), to L'Estrange's noble friend, the E. of Yarmouth. These successful 'rattings' were all very disconcerting to Roger's vengeful mind.

of people into the Mint and thereabouts, and they had other business and passions in their faces than suited that occasion. The Mint is a kind of Sanctuary for these dangerous men, besides the improvement of that mixture of the people by the influence of the neighbourhood. One tells me yesterday for certain that Oates did a while ago put 50 guineas into his Attorney's hands to the Counsel and instruct breviate, etc. Since which time, he hath never heard of either attorney, breviate or Council. If I had not thought these cautions about the King's Bench and the Mint to be a matter of some moment, you had not received the present trouble from,—Sir, Your most humble and obedient Servant,

‘ROGER L'ESTRANGE’¹.

To understand the reference to Oates, we must remember that for months past, the *Observers* are stuffed with a public exposure piece by piece of the Plot and its great architect, an exposure which culminated in the appearance in Court of the ‘Salamanca Doctor’ in 1684 for defamation of the Duke of York, the brutal episode of May 1685 which has rankled in English memory as the most signal revenge in our history and yet inadequate, and the writing of L'Estrange's *History of the Times* in three books in 1687.

The bull-dog tenacity with which L'Estrange for five years hung on to the Oates gang can have few parallels in English history, and when people recall the ruin and punishment of Titus, they should see the image of Nemesis in the form of L'Estrange, working for it as he had never worked for anything before. In a sense the mission of the *Observer* was in Roger's words ‘to dress up honest Titus for the pillory’, and to this end the best means at his disposal was ‘by giving the world a taste of his character, manners, life, conversation, and palpable perjuries and contradictions beforehand’².

His devotion to this service is expressed in almost religious terms in the last paragraph of that memorable appeal *To Posterity* which prefaces the third volume of the *Observers*.

¹ *S. P. Dom. Cat.*, ii., 438 (288).

² *Observer*, vol. iii. (1687), printed by J. Bennet, for Chas. Brome at the Gun, St Paul's Churchyard—last paragraph of Preface—*To Posterity*. This publication was the occasion of Aphra Behn's tribute, already alluded to. Chap. x., 303.

'I contracted a horror for this villainous cheat (The Plot) from the very spawning of it, and in the same moment an ambition above all things under the sun, to have some hand in breaking the neck on't. From that time to this, I have barred myself the benefits of ease, liberty, conversation, and effectually all the comforts of humane life in order to this end. But to make short, I found by degrees, that the Plot itself and the Plot's master lost ground. I followed the Plot until it was ridiculous. I followed Oates to the King's Bench Bar, the pillory and the Cart's tail, and since that was over, I have had the business of Sir E. Godfrey in my eye. But I have no lease of my life, and so I cannot possibly undertake for it. But there was still wanting a part calculated to finish the work which I have here drawn into a very clear method, and as narrow a compass as other infinite variety of cross-purposes and debates would admit. In one syllable more, I am an old fellow, and if I can but live to get through that solemn foppery of Prance and Bedloe's vision at Somerset House, I shall die in peace'.

We need not here follow out the story of this pursuit from the days when Oates and his legionaries had denounced L'Estrange to the Privy Council, October 1680. The account of their incessant wrangles is to be gleaned from the *Observers*. But L'Estrange is strictly accurate when he describes the methods and caution he used in this work. Down to October 1682, when Nat Thompson and Farwell were pilloried for the *Letters to Miles Prance*¹, the main story of the Plot and the Godfrey murder could not be assailed with impunity, and L'Estrange cunningly confined himself to 'hinting and slanting', to personal defamation of Prance as a tradesman and Oates as a man. He 'knew too well what part of the Plot would bear handling'. It is scarcely to be doubted that Nat's humble denial on that occasion of the popular assertion that 'the worthy author of the *Observer* is a follower of mine—a person of so great learning and prudence that I am not worthy to wipe his shoes' was suggested to him by the cautious L'Estrange, who was well pleased that such a *corpus vile* as Nat should

¹ Chap. x., 304. The 'popishly-affected' view is conveyed in the clownish humour of a poem in the *Second Collection of Songs, etc., against Popery*, 1689—

'Hodge (L'Estrange). What, you believe the Plot of varlet Oates?

Porter. Ten Proclamations and four Senates' votes.

Johnny (Dryden). That Godfrey's Life was by the Papists sped.

Porter. Oh! no! He killed himself when he was dead'.

be experimented on in a public trial¹, to show how far he might shoot his own bolts.

The publication of the *Shammer Shammed* the previous winter had also been a shrewd blow at the 'Plot', but it was not till the juries were loyal, that is till after the Sheriff's election of 1682, that any bolder course could be taken. The Rye House Conspiracy effected an alteration in the goading policy of the *Observer*. It may be remembered that in September following a great attempt was made to close down that journal. We can understand the forces behind these attempts to get it closed with the ordinary fry of small Whig newspapers. The Faction still stood by the Plot, though it had half repudiated the 'Doctor'². To see it going to pieces under the skilful prodding of L'Estrange was more than nature could submit to. As a sample of his 'fleering sarcasms' which maddened the Faction, take the dialogue which appears in the *Observer* of 12th April—four days before Stephen's threatening letter and boasted warrant.

'*Trimmer*.—Briefly, d'ye believe Oates or not?

'*Observer*.—Wheresoever he believes himself, I do believe him, but a man may be allowed I hope, to misremember and to recollect, and to take one man for another. I have done it 40 times myself'.

The continued rain and increasing audacity of these attacks raised the hue and cry which the poor Press Messenger tried to direct into a sweeping away of the journal which embroiled the nation, kept up ancient animosities, etc. And there is little doubt that the Government would gladly have seen Roger make an end,

¹ *State Trials*, viii., 1381-4. 'I call it a trial with respect to the sacredness of the seat of Justice, though the formalities of the Court were interrupted, and the dignity of the Tribunal affronted with such clamours and insults from the rabble, that a man might honestly enough at a distance have taken it for a bear-baiting'. *Hist. of Times*, p. 251. Nat had also his mercenary dirge, 'That which was done, was done by way of Trade, notwithstanding I was made a precedent—no Printer ever yet (before myself) being prosecuted when he fairly produced his author'. Nat had never heard of Michael Sparkes, bookseller, and Wm. Prynne, author. 'The men were tried in the fairest manner possible', says Mr Pollock (*Papish Plot*, p. 102). Sir Jas. Stephen (*Hist. of Criminal Law*, i., 193) came to the same conclusion of Godfrey's murder and Prance's guilt. But Father Gerard's examination of Pollock (*The Papish Plot and its Newest Historian*, 1903) leaves the mystery very much where it was.

² Fountainhall, *Historical Observes* (1840), p. 102: 'Some wondered how Oates came not to be named in the new Plot, but . . . they durst not trust him with their secrets'.

and so achieve that silence of the Press, so grateful to a despotic Government¹.

This failure in October 1683 to stop the *Observer's* cruel laceration of what remained of the 'evidence' was fatal to the Oates tribe. From the new disposition of parties L'Estrange could now boldly proceed to the direct charges of perjury, and work up by way of an agitation for a *Melius Inquirendum* to the Bar of the King's Bench.

There were no more 'good sheriffs and good juries', there was no Whig paper to reply, there was no thought of a Parliament, though three years had elapsed since the Oxford Parliament. The veil of sarcasm and allusion was dropped.

The short and final stage in this long campaign began in February 1684. We have fortunately a letter from L'Estrange to Jenkins which clearly indicates the lead to be taken and which resulted in our author's being in a position to become, though a partisan, yet a well-equipped Plot historian².

*Roger L'Estrange to Jenkins*³.

' 28th Feb. 1684.

'RIGHT HON.,—I have laid out several ways to find the writers that were employed by old Tonge and Oates to copy for them, and being upon this quest, I am told a box of old Tonge's papers and draughts that was delivered about a year since (more or less) to Major Oglethorpe and brought afterwards before the King and Council; the person from whom they came examined whence he had them, and that there the matter rested⁴.

'If this information be true, and the papers of such a quality as I am given to understand, I persuade myself some good use might be made of them; and *if no such box and*

¹ It is interesting to note L'Estrange's defence of his Journal. (1) His ancient Patent for news 15th August 1663. (2) The *Observer* is not a newspaper but a bi-weekly pamphlet. (3) The King's Proclamation of May 1680, referred only to pamphlets of news.

² This should not be lost sight of. Mr Pollock (*Op. cit.*) is perhaps too inclined to do what Sir G. Sitwell (Introduction to *First Whig*) rightly deprecated, viz.: brush aside or use L'Estrange according as it is convenient. Whilst he makes some use of the *History of the Times*, he refers little to the more important *Observers*, which are invaluable as showing the evolution of Plot-scepticism.

³ *S. P. Dom. Car.*, ii., 436 (227).

⁴ 20th December 1679, Capt. Tonge secures his brother's papers, *H.M.C. 11th Rept. App.* ii., p. 148.

papers were so delivered, I could possibly make some use of that mistake.

‘This may appear a slighter matter to your Honour, than effectually it is, in regard that it is not fit for me to importune you with the particulars, whereupon the whole affair turns.—With my most humble duty,

‘ROGER L’ESTRANGE’.

This courtly letter achieved its object, and elsewhere L’Estrange describes the contents of the box in question¹. A trunk taken at Colledge’s house (where Tonge died) after his execution, attested in the presence of several Justices of the Peace contained ‘whimsies of projects, calculations of anti-Christ, and the number of the beast, snaps of chemistry, political speculations. But among others were abundance of dirty fragments of papers with a confusion of minutes and memorials of times, dates, places, and particularly several passages according to the circumstance that I found in the narrative’. ‘The Doctor’s hand’, he adds, ‘is as distinguishable from any other character that ever I saw’.

Whether the receipts for ‘the paying of above 40 clerks to write for him, and the expenses of Irish and English witnesses (“of which I hold discharges”) were included in the “dirty scraps” we are not told. But the five Windsor letters which had passed the uncritical or wicked eyes of Sir Wm. Jones now lay before L’Estrange, and so probably did the paper from Tonge of 29th April 1679 urging on the King the utter extirpation of the Catholic priests, to which, says Roger, “the King showed great dislike”’².

It would be unnatural for the victims of these preparations to do nothing in self-defence. The publication of the first volume of the *Observers* on 26th April 1684 with the *To Posterity* preface, drew blood from both Oates and Prance, from the latter in the form of a *Postscript to the Observer*, and from Oates a printed appeal to the King and the Primate.

There was some sense, perhaps, in appealing to the Archbishop against L’Estrange, for already it was whispered that Roger had lost much ground with the Church, since the

¹ See his *History of the Times* (1687), chap. viii. See also a *Newsletter* in the *Thornorton MSS.*, *H.M.C. 10th Rept.*, p. 172, 29th September 1681: ‘Great discoveries expected to be made of Dr Tonge’s papers’.

² L’Estrange, *History of the Times*, pt. ii., ch. viii., 110. See *Examen* also, p. 271.

days of the Cambridge (and Oxford) guineas, by the already started attacks on certain estimable Trimming divines. As the appeal to the King is printed in the Somers's *Tracts*¹ it may be better to quote here the petition to Sancroft, especially as Titus skilfully touches the one topic which could hope for a response.

*Titus Oates to Sancroft*².

'15th March 1684.

'MY LORD,—Be pleased to understand that for my vindication I have written to Mr Jenkins³, and in my letter have enclosed a petition to the King's most excellent Majesty, and to the Lords of the Privy Council, against one Roger L'Estrange who, in several of his pamphlets called the *Observers*, and other seditious pamphlets, hath vilified the discovery of the Popish Plot, and in that I humbly conceive he doth arraign and reflect on the justice of the Government, and God having called you to the great office of an Archbishop and Privy Councillor, I thought my application to your Grace would not be all improper, and therefore I thought I may lay before your Grace the hard usage I have had from the said L'Estrange and his confederate villains, who neither fear God nor reverence man. Your Grace I suppose hath not forgot that four Parliaments did enter upon the examination, both of witnesses and individuals concerned in the Popish Conspiracy. I was the first that appeared to detect that villainy and received the thanks of the Council and the Lords in Parliament, and it was looked upon such a piece of service that your Grace was of opinion that some mark of favour should be conferred upon me⁴, but I was not thinking of my own interest'.

(After reference to the benefits of a good conscience) 'I think the Government is bound in honour and conscience and justice and truth to maintain their own proceedings and justice upon the reflections of so vile a fellow as L'Estrange

¹ Vol. viii., 378. Sir Walter Scott's introduction: 'The days were now passed when Oates' credit with the public was so high that "'Twas worse than plotting to suspect the plot". The Tory pamphleteers headed by Sir Roger L'Estrange, the Coryphaeus of their party, now assailed the disgraced evidence with the utmost fury both of raillery and invective, but the monumental brass of Oates was altogether impenetrable'.

² *Rawl. MSS.*, C. 739 (117).

³ Also in Somers' *Tracts*, viii., 380.

⁴ Sitwell, *Op. cit.*, p. 44: 'At Lambeth he (Oates) received several kindnesses from the Archbishop'. In his great days of course.

appears to be in those his pamphlets. He pretends in one or two that he hath leave from one or both of his Majesty's Secretaries for so doing, which I dare not for my soul believe . . . together with the agreement of his falling upon the whole Government in that particular.

'Certainly the Church (my Lord) must be in a sad condition that stands in need of L'Estrange for a supporter; the religion established by law will be very contemptible if Roger's penny *Observer* must give it life. I am sure our Bishops have given such testimony of themselves and their powers that there is no need of this scurrilous and scandalous pen to maintain their authority and reputation. Are Clergymen to be judged by the Popish Party to be men of little understanding, if they stand in need of him to be their guide; hath he not fallen upon the most considerable of the clergy of the City, men that do not stand in need of his push to equip them for the work of the community?'

(Here he prays not to be left to the oppressor 'for the service which your Grace hath formerly owned in Council and Parliament').

'T. OATES'.

But no power could save Titus, and the *Observer*, far from moderating the attack, was now issued daily as if L'Estrange feared to lose the moment of revenge. So that honest Luttrell was able to say on 20th June: 'It has been hotly discoursed about town that there are informations taken by Mr Justice Guise and Mr Justice L'Estrange, of High Treason against Mr Oates, and that he would be indicted thereon the next sessions'¹. Not content with the old scandals and contradictions, the *Observer* now added the curious charge that Oates was a pro-Turk, and dwelt with mocking humour on the alleged rivalry between Oates and Tonge as to who should be the *first discoverer* of the Plot, a rivalry said to have separated the two men in the old spacious Whitehall days².

Prance's *Vindication*³ showed a curious mingling of cringing respect and malice. It is a considerable compliment to the *Observer*, and marks clearly the turn in the popular tide.

¹ Luttrell, *Diary*, i., 311.

² So *History of the Times*, chap. vi., 89-90.

³ Printed by Janeway, 1684.

'My daily conversation', he says, 'is beset with spies and no man that comes into my company, but is presently in danger of being exposed as a fanatic, and *marked out to the fury of the rabble and destruction* of his fortune and family. I thought it high time to give the world all the satisfaction of the truth of the case between Mr L'Estrange and myself, that all persons of this age and such as shall write Histories in the next (which I find our *Observer* much values his numerous sheets upon as the just standard for them to take measures from)¹ may have cognisance of the defence as well as the charge'.

Like Mr Wegg, Prance here drops into poetry.

L'Estrange is 'So great a master in the mysteries of buffoonery-fooling,

A little wit joined with a vast ill-nature
'And qualified for lies as well as satyr
May easily commence an *Observer*'².

He continues to deplore a contest with 'a gentleman of known abilities, and reputed loyalty, *so high in popular esteem* of so large an invention and taking expressions, and who will be sure to have the last word; nor do I forget his character is now qualified as magistrate, but truth is truth even in the coarser language of a silversmith'².

'Whatever services Mr R. L. has done the Government and the Church against the Faction', Prance hypocritically adds, 'I cordially applaud and thank him, nor do I repine at his presents and New Year's gifts of 1,000 guineas. I shall never envy any man's growing fat

¹ The appeal to Posterity is a feature—almost an obsession—of the age, and nowhere more marked than in L'Estrange. So Baxter (*Life* (1696), iii., 187) deplores the fact that the Historian will have to use L'Estrange's pamphlets—'Many of the malignant clergy and Laity and especially the *Observer* do with so great confidence publish the most notorious falsehoods, that I must confess it hath greatly depressed my esteem of most History and of human nature'. Carte, *Life of Ormonde*, Introduction, pp. ix.-xi., making the same general charges against the historians of that age, bestows the same compliment on Baxter, of being utterly credulous. So Burnet. L'Estrange is constantly thinking of some person who 150 years hence will unearth these pamphlets in Bodley's library.

² Prance always pretended to be overcome by a sense of Roger's learning. So in his *L'Estrange a Papist* (February 1682), pp. 20-1: 'There be men in England that have gone to school and read Latin and Greek as well as he'. After reference to the 'quips and taunts of a quaint and fluent pen'—'He is a great orator and writes in a brief laconique style. He is excellent at similes and knows all the tropes and figures of Rhetoric. He is a great scholar, being taught by his father, and is so used to writing and scribbling that he can make a book in his sleep'.

on the almsbasket. In a word, I have as good an esteem for the active and ingenious Squire L'Estrange as I ought to have, and if he be (as the author of the *Pacquet of Advice from Geneva* affirms)¹ "undoubtedly sent from above to act here in his generation for the great good of his King and Country, and to be *vere malleus rebellium et phanaticorum* (which I am told signifies a mawler of rebels and fanatics) I only wish he held altogether to the work"".

'Who can but blush to see a gentleman of his parts and figure, a man of the age of three score years and ten, or thereabouts, a person that besides Quevedo and Politics has read Seneca's *Morals* and Cardinal Bona, spending the last moments of his life in blowing soap bubbles. I have no small difficulty to get a few innocent sheets printed, *such is the dread of his name*, whilst he, besides the eleemosynary guineas in abundance, makes a revenue weekly by blurting out papers filled with such egregious scandals upon me'.

Finally, Roger forces his printer to work on Sunday to get out Monday's paper — a new problem for journalism.

Luttrell's rumour referred to above was not without foundation. By the May trial for defamation of the Duke, Titus was safely in hold, and the prey of mercenary attorneys. Two months before Charles died, a commission was extorted from him—L'Estrange himself says 'not without importunity'—empowering Roger L'Estrange as a Royal Commissioner to call witnesses and take evidence on oath relating to the whole field of the Godfrey mystery. A fortnight later true bills were found against Oates for perjury, though his trial was held over to the next reign. There had been as we saw a last desperate effort in September to get the *Observer* prohibited and petitions were opened in the City to this end². In the work of preparing for the great trial he was assisted by Graham and Burton, their assistant Hanse, whom he himself had recommended to them, Drs Nalson and Charlet, his brother justices Harwich and

¹ No. 2, p. 10. 'The author (of the *Weekly Pacquet from Geneva*) was one Mr Pratt (calling himself Dr) heretofore a virulent papist'.

² *Observer*, 20th September 1684. Roger says he will, with all his heart, 'take a walk to Bloomsbury to see the names'.

Guisse, etc.¹ When on the 8th May, Oates appeared before Jeffries on two charges of perjury, it was found that Roger had got together with the help of these gentlemen twenty-two witnesses to the first charge, and forty-seven to the other 'most of them persons of a very considerable character'.

'I had the honour to take their informations myself and I reckon it my duty to do them right upon this occasion in saying (over and above the quality of the persons) that it was impossible for men to be tenderer or more scrupulously cautious in what they swore'².

On the 26th May Justice Withans pronounced the brutal sentence. L'Estrange was not present at the whipping³. 'For the honour of the criminal', he says, 'it must not be forgotten that he stood his ground to the last'⁴.

Nothing is more noteworthy than that the whole business of this signal revenge, even down to the preparations for the public trial, seems to have been left to the important old, 'plot-learned' Knight⁵.

¹ Oates (*Portraicture of King James II.*, i., 183) complains that this prosecution was forced on after all his witnesses were dead. He talks of 'perjured witnesses and four lambskin rogues then sitting in the King's Bench. It cost him (Jas. II.) dear, being £3037, 9s. 6d. besides the subornation money Old Hodge (L'Estrange) received'.

² L'Estrange, *History of the Times* (1687), pp. 151-2. See Gerard's *Popish Plot and its Newest Historian* (1903), p. 19. *The Observer* *Proced a Trimmer* (1684), pp. 3-9, gives a good account of the various attacks on the Plot. From the fact that Hanse (who directed the Oates trial in May 1685) received £1,800 for his services, while Russell's trial cost but £15 (*Kenyon MSS.*, *Reports, Commissioners*, 34, p. 264), we can judge how L'Estrange was able to get together his forty-seven witnesses 'of a very considerable character'. *State Trials*, x., 1079 and 1227.

³ *Observer*, 27th May 1685: 'He called at my house (in Holborn) but I was not at home'.

⁴ *History of the Times*, p. 152.

⁵ We have in the *Correspondence of the Paston Family* (1551-1699), three of his letters to Lady Yarmouth about this time which display the extraordinary pressure of his business. The first dated 30th January 1684-5 (*Add. MSS.*, 36988, f. 237) says: 'The Press of Oates' business lying wholly upon my hand takes up every moment of my time, in some respect or other what with attendances and enformations. And this will certainly hold me for ten days'. On the 11th February he writes (*Add. MSS.*, 27448, f. 296): 'The present hurry of my indispensable affairs keeps me an absolute slave and without one moment that I can call my own. My hours are cut out till next Wednesday. . . . I have no place for the most necessary offices of Justice, duty and good manners'. Between Oates' trial and his sentence, 16th May 1685, Roger is engaged upon some service for his noble correspondent, but 'I have a matter under my hand at present which I must despatch before I can wait upon the King; it being upon a subject that immediately relates to his Majesty's service, and which presses likewise upon the point of haste' (*Add. MSS.*, 27448, f. 306). There was Baxter's business also on his hands. To this long continued absorption in State affairs may be traced the neglect of his young wife, and her solace at the gaming table. See chap. xii., 370.

The punishment of Oates left the way clear to Prance. During the first eighteen months of James II.'s reign, our author used his Royal commission with great diligence, calling before himself practically all the characters in the Godfrey tragedy who were still alive, including the jury-men of the Coroner's Inquest, and those people especially whose evidence was formerly refused or ignored. His labours lie completed before us in the *History of the Times*, of which it may broadly be said that it disproves the Bedloe-Prance theory of the tragedy, but that the theory substituted—substantially the theory of the *Letters to Miles Prance*, which set Nat Thompson and Farwell in the pillory in October 1682—is still utterly conjectural. To discredit the Somerset House assassination view, it was necessary to show that Bedloe and Prance (the only witnesses) had never seen each other before they met in the Lobby of the House, that Sir Wm. Waller, under Shaftesbury, helped Bedloe—after a failure to recognise Prance—to a good recovery, and that Prance was lessoned by Shaftesbury's creatures in gaol, in those critical days of December 1678, to follow faithfully the main points of the story told by Bedloe, who had 'shot his bolt so long before Prance appeared'. Even then there were notable discrepancies in the two versions. As to the torture alleged by Mrs Cellier to have been applied to Prance, Dr Lloyd, Dean of St Asaph's, who had seen the prisoner shortly after, now became for L'Estrange an important witness. Despite some believing passages in his sermon at Godfrey's funeral, it now appeared that he had always suspected Prance's evidence¹, and though avoiding the word torture hinted at a very rigorous treatment.

These two points established, the inquest which had declared in 1678 that Godfrey 'was murdered by divers unknown persons', must be called to L'Estrange's Bar. Here the Royal Commissioner had very malleable material, for either a change of conviction or 'the dread of his name' caused these merry men, and especially Coroner Cowper, to modify their impressions from the time when 'it was

¹ 'I never saw how Prance's evidence could stand, and I never went about to support it'. Lloyd to L'Estrange, April 1686, quoted *History of the Times*, p. 85. Pollock, *Papish Plot*, p. 103, and Gerard upon Pollock, pp. 22-3. The former dismisses as a 'mere fiction' Roger's story (*History of Times*, pp. 81-4) of Prance's and Bedloe's Lessoning. The amazing thing is Lloyd's change of front.

effectually the test of a Protestant or a Papist to believe or disbelieve the story'.

To get together '40 collateral witnesses' to prove that Godfrey on the morning of his disappearance enquired the way to Primrose Hill (where he was found four days later) and to prove that the chief witnesses had been prevented by the menaces of Shaftesbury and his creatures from giving their evidence freely, or were excluded altogether, and to lay down the proposition (the bare hint of which four years before had proved ruinous to Thompson and Farwell) that Godfrey's brothers desired to avoid a verdict of *felo de se* in order to secure the estate, and therefore entered passionately into the Shaftesbury plan—these were the objects of L'Estrange's enquiry, and putting aside the work of the modern historian¹, the last effort to solve the enigma.

Godfrey's melancholy was a capital point towards the verdict L'Estrange desired. To this end Harry Moore, Godfrey's clerk, who had withdrawn himself into the inaccessible Isle of Ely, was to be got at. A letter from L'Estrange to his friend and fellow-sufferer of the Plot-years Dr Nalson², elicited little more from the ancient Moore than a faint corroboration of his master's 'black humours', *after he had taken the Oates' Information*.

¹ It is singular that though his *History* finds a place in indexes it has been so sparingly used by historians. Macaulay scarcely mentions it. Mr Pollock makes some little use of it. On the other hand Mr A. Marks (*Who killed Godfrey?* (1905), p. 76) makes it the chief support of his attempted refutation of Pollock. When we remember that L'Estrange had really a Royal Commission for the purpose and was really a well-equipped (though violently partisan) historian, greater reference to his work might have been expected. 'Bad testimony, assertions and insinuations', is Mr Pollock's verdict on the *History*. It is not necessary on this view of Prance's guilt to assume that L'Estrange concocted the Prance confession of 7th January 1688 (p. 349). Though admitting that 'the Depositions collected by L'Estrange must be regarded with suspicion' and even that 'L'Estrange was not above falsifying evidence' one is scarcely prepared to go this length. Sitwell (*First Whig*, p. 40) takes the 'melancholy' explanation of Godfrey's fate, which L'Estrange developed and Mrs Behn celebrated in congratulatory verse.

'By you the fatal riddle was revealed
Which Hell's dark malice long had kept concealed,
The melancholy self-murderer you trace
Thro' his Death-searching paths to the fatal place'.

Poem to Sir Roger L'Estrange, licensed by R. Midgely, 22nd April 1688.

² See a letter from L'Estrange to Nalson, 2nd October 1684 (*Rawl. MSS.*, C. 739 (124)), concerning his commission.

On the testimony of an oilman, Joseph Radcliffe, who had been with Godfrey at a Vestry-meeting on the Friday night before the disappearance, Roger placed great importance. But the credit due to these late Depositions is measured by the difference between Radcliffe's description of Godfrey's 'pleasant, good, even humour and temper' of 1678, and his present evidence of Godfrey's settling up his earthly affairs after the Vestry, and going into the accounts of his weekly dole of 10s. in bread to the poor¹.

Such in effect was L'Estrange's contribution to the Godfrey mystery, too powerfully mingled with party passion to be of much use in disentangling that affair. The main actors had disappeared, and it was only too apparent that this parade of enquiry was conducted more for the undoing of the remaining evidence than from a passion for abstract justice².

It is interesting, however, to learn that though these depositions resulted in no new convictions, Prance almost from his death-bed had the grace at last to justify L'Estrange's seven years labours, by an open and final confession. This man, once a respected tradesman, was entirely moved by two very natural springs—fear of death and loss of trade.

'My Lord Shaftesbury', he now said³ told me my trade should be better now than ever it was, and bought some plate of me himself, part whereof was for Oates'.

The reference in Oates' appeal to Sancroft to the City Clergy, offers an easy transition to the third sphere of L'Estrange's activities. It may be remembered that the Commons' Resolutions of January 1681 in favour of the Dissenters were construed as an attack on the Church, and that from that moment the clergy turned their attention

¹ 'I am resolved to settle all my business to-night'. Mr Marks (*Who killed Godfrey?* pp. 78-84) makes a good deal of this 'information'. He admits that the lapse of six years is a serious drawback, but contends that L'Estrange's witnesses were at least free from fear. Prance's 'such is the terror of his name' (*Postscript to 4th vol. Observer*) somewhat discounts this.

² After Mr Pollock's latest attempt to establish the Plot, and Father Gerard's able refutation, one will be inclined to Gibber's verdict (*Lives of Poets* (1753)—L'Estrange). 'After all the murder of Sir E. Godfrey is perhaps one of those secrets which will ever remain so, till the hearts of all men are laid open'.

³ *History of the Times*, pt. iii., pp. 26-7. Prance to L'Estrange, 17th January 1688. On 15th June 1686, at the King's Bench, Prance pleaded guilty to a charge of perjury against Green, Berry, and Hill. *State Trials*, vii., 228. He was excused the whipping part of his sentence. His confession to L'Estrange referred to in the Text cannot be received with much more credit than attaches to young Tonge's avowals in a similar position.

to persecution, following therein the directions of the 'guide to the inferior clergy'. Mr Smerke was for a season enthroned, and few words spoken against the Papists. The Cambridge guineas to L'Estrange and the prosecution of the few Whig divines like Hickeringill and Du Moulin mark the same phase of zealotry which had been powerfully aided by the publication in 1680 of Filmer's *Patriarcha*, written in Commonwealth times and now for the first time given to the public. It is difficult to conceive the effect of this work on the minds of the clergy, excited by the recent spectacle of 'tribunitian arts' exploiting 'a fiction which exceeds the ordinary bounds of vulgar credulity'¹. Those who wonder that Sydney could be induced to write the MS. reply to this work, which cost him his life, are little acquainted with the ideas and temper of those times. Even Locke consumed some valuable time in trouncing a work which extended the principle of the Fifth Commandment to the whole field of civil government, and which approved in an absurd degree the doctrine of *preces et lachrymae* against which Hickeringill boisterously jeered and 'Julian' Johnson wrote his best pages².

The hated Informer, and the effectual revocation of the Edict of Nantes in 1681 started the Whig reaction in the Church. The struggle for the soul of the French Protestant is an instructive phenomenon of the times, the Low Church and Dissenting Factions claiming him, with the example of all the Reformed Churches on the Continent, and L'Estrange foremost on the Church side in his *Apology for the French Protestants* (1681), insisting on his dislike of English dissent, to which an enforced assent seemed to be given by the submission of the French Protestant Churches in England to the practice of the Anglican Churches. Thus we have on the one side Care's picture of Sir John Knight's

¹ Hume, *Hist. of Eng.*, viii., 304.

² See Hunt's *Postscript*—which attacks L'Estrange as 'one of the old Knaves admired by young coxcombs' for 'a despicable faculty which hath made a famous gentleman who hath a liberal dose of it, a writer of books, caused him to waste so much paper, etc.'. Of Filmer's *Patriarcha*: 'Since the discovery of the Popish Plot it is that Sir Robt. Filmer's book was reprinted together and recommended by the title-page and the *Public Gazette* to our reading'. It was not reprinted however. 1680 is the date of the first edition. Bohun issued an edition in 1685 with a Reply to Sydney's paper. After the Revolution, Bohun reconsidered his views. Filmerism survived many years in the Church. See Lesley's *View of the Times* (1703), Nos. 55, 56, and 58. It was regarded in some quarters as the only check to Deism.

furies against the Bristol Dissenters¹, and on the other an attempt of the 'Tantivies' to goad the people into resentment of the French refugees—described as the scum of Europe—who come to take the bread out of the people's mouth, and in such cases as Papillon and Dubois (though they had been long naturalised), to foment sedition and anarchy.

By the severities arising from the discovery of the Rye Plot, and the skilful effort made to represent the executions of Colledge and Lord Russell as *Protestant* martyrdoms, new impetus was given to the reaction, apart altogether from those men, like Halifax, who insensibly drifted into the Trimming position². The letter from the City spy already quoted marked the 'mighty party' of those who sympathised with Russell's cause.

Thus the English persecution which was real enough was aided by the more dramatic misery of the destitute arrivals from France, the victims of a policy which Englishmen felt was closely associated with the secret tendencies and past history of the English Court³. At the same time the 'idolatry' of the Church of Rome, which came up for defence in James II.'s reign by Parker, Walker, and L'Estrange, was alarmingly extended to certain parish churches, and the people told broadly by divines of that church, that she had taken sensible steps towards Rome⁴. The classic instance of this was the image of St Michael in Dr George Hicke's Church in Butolph's Lane, which gave rise to a violent schism in that parish, and to the

¹ *Courant*, v., 136. 'O Bristol, Bristol, thou has done gallantly. I could not but snicker the other day to see a parcel of wooden-shoed French heretics that had fled for shelter, how sillily they looked when they saw a parcel of English calvinists dragged out of their meetings and hurried to the gaol'.

² *Observer*, i., 287: 'When Colledge came to his trial what exclamations were there as if in that single man the neck of the whole Protestant cause had been brought to the block'. See also the tract *Parliamentum Pacificum*, written by order of the Court to answer Halifax's *Letter to a Dissenter* (1687), p. 31. 'No sooner was the Prince of Providence placed in his Throne, and whom their sermons of non-resistance they say solely set upon it (though his fortunate arms in the West did somewhat to secure it too), but some of the very same men managed the matter so, as if they had a mind to preach him out again. Arbitrary Power, Popery, Prot. Religion, was more the theme of the Pulpit, than before it had been of the Phanatick's papers and pamphlets'.

³ Weiss, C. (*Histoire des Réfugiés Protestants* (1853), ii., 272) computes the number of French exiles in England from 1680-90 at over 70,000, a third of whom settled in London, but admits 'il est impossible d'en constater le nombre' because complete lists were not published owing to the fear of popular jealousy already alluded to.

⁴ See Du Moulin's famous tract, *The Several Advantages made by the Church of England towards the Church of Rome* (1681).

publication of the *Burning of St Michael* for which our old friend Larkins was prosecuted. The London parishes were in these months repeating on a small scale the violence and schism which have so often disgraced the Christian Church. The Magistrates and Justices were favourable to the Government, and therefore to the sort of Church practices indulged by Hickes and Sherlock. The contests of the now silent Hustings had been transferred to the parish churches of London.

The dissenting chapels or houses were of course—since the Rye discovery—either closed or sentinelled the more violent pastors such as Lobb, Fergusson, Collins, etc. in exile or hiding¹, and the Baxterians or moderates—who were now moving to meet the Whig party in the Church on the common ground provided by Mr Trimmer—either harassed and interrupted in their modest morning lectures, or lying in prison with Ralphson, Jenkins, and Delaune. In these circumstances the poor herd of Dissenters in the City had no choice but to disperse themselves among the parish churches—a saving of fines, sneers L'Estrange—where they naturally sought out those moving preachers who were least harsh on their late practices. It appeared that London afforded many such, and whilst in the country the new proselytes made impatient and rude demonstrations, in the whiggish City Churches, they found to their surprise that they could applaud such discourses as they heard at Mr Hughes' or Mr Smithies' Churches.

Far from welcoming these converts, L'Estrange fulminated against them, and the men they thronged to hear. He evaded the fact that while several of the latter were undoubtedly City firebrands, several more were drawn from the old Cavalier class. 'There are', he said, in August 1683, 'a great many dissenters come over to us, but then they run all of 'em in shoals to the Churches of those motley Christians, where they are as much at home in a Parish Church as in a Conventicle'. In January 1684, he had the pleasure of one recantation,

¹ James Forbes of Gloucester, for example: 'I had 5 years (1682-7) quiet exercise of my ministry wonderfully hid, where others in most places around us were in great troubles'. See p. 309. L'Estrange did not know where he was—*Observer*, i., 119, 15th September 1682. Forbes as we saw was summoned before the Council at the Rye Plot excitement. Forbes is the Phaleg of *Absalom and Achitophel*, pt. ii. See Scott's note, *Dryden*, ix., 368.

solely due to himself. In the *Observer* of 14th January, Ed. Wetenhall, Rector of St Edmunds, apologised for a Whiggish work which made some stir, *The Protestant Reconciler*, in which the author 'through want of prudence and deference to authority' had offended the Government¹.

But the more notorious cases, which Roger now cheerfully undertakes, were to prove beyond even his power of hectoring and menace. 'One Fergusson in a Parish Church, does more harm than 40 Fergussons in as many Conventicles' was the motto of this new crusade². Even in Cathedrals—as at Gloucester—were to be found those who 'leave their canonical oaths'. In this spirit, in the late summer of 1684, began the singling out of the City Clergy for punishment. The two men he pitched on were the Rev. Wm. Smithies³ and the Rev. Thos. Hughes, who admirably illustrate the great principle of 'Trimming' for they approached that neutral territory from opposite directions. Even before Halifax published his celebrated Essay, the term Trimmer had become a term of odium in all Government reports, and was as familiar in the mouth of Jeffries as that other by-word, Presbyterian. The residuum of violence and knavery on both sides, L'Estrange saw in it only a more insidious form of Whiggery, a form no longer clumsy and anarchic, but politic to the last degree⁴.

¹ An even more satisfactory recantation was that of the eccentric but gifted Edmund Hickeringill, at whose pen, says his editor (*Collected Works of Ed. Hickeringill* (1709), preface), 'as great a genius as Sir Roger L'Estrange's was, it submitted to his superior way of reasoning, although Mr Hickeringill gave Sir Roger sufficient provocation'. His recantation on 27th June 1684, is printed in Lesley's *View of the Times* (1708), No. 195. For a note on his 'provocations', see chap. x., 330 and xi., 353, note.

² The *Observer* after the Rye discovery, increases its vicious tone. See No. 388. 'If I were a Prince I would no more leave any schools, academies, synagogues, nurseries, seminaries, conventicles, cabals, consults of dissenters in my dominions than I would leave so many bitch-wolves'. He admits, however (387), 'a man may be a dissenter and yet be honest'. After the Monmouth Rising it rises to a shriek of hatred against dissent and expresses a desire—quoted by Macaulay—to adopt the latest essays in cruelty of the Scots Parliament, especially in relation to the Press. See *Documents Relative to Scottish Printing*, 1686-1705.

³ Dunton (*Life and Errors*, p. 369) includes him in his gallery of Church divines, 'His faithful and excellent preaching commands the attention of men'.

⁴ *Observer*, i., 240, 13th November 1682, gives a derivation of the term—

'*Couranter*.—How came you at first to be called Trimmers?

'*Trimmer*.—We write with an alias, but I fancy the name originally had an allusion to the language of the River. When a vessel does not row even they cry *Trim the boat* and so when one side is lower than 'tother, 'tis one way to lean to the other side, to make the best of things'.

L'Estrange seems also to have invented or passed into currency the nick-name 'Grindaliser' (see *Moderation a Virtue* (1683), p. 20). He never forgave the Trimmers. His *Æsop* (1691) has many sharp reflections on them. See *Fables*, iv.,

The two Trimmers chosen by L'Estrange had large City charges, and had learned the moderation which mingling with all classes ought to teach.

'I live', says Smithies, 'in a parish where the burden of poverty is very heavy. Yet some have reproached me for concerning myself for the poor, as I have done, pretending that it increased the number of them. That which the *Observer* charges me with, is suggesting that the Dissenters lay under the burden of oppression and persecution, and that the Government ought to ease them', which Mr Smithies affirms never entered his mind. The heads of his offending were many, but chiefly that he was too tender to the Dissenters, omitted certain ceremonies at baptism and marriage to which they objected, and as a distributor of bequests, gave to the poor Dissenter as well as to the orthodox person.

It appears that there had been a split at Cripplegate and like all such splits, it attracted the vulgar and along with them Roger L'Estrange, who since his return from exile had made a speciality of spying on the congregations where political trouble was rife¹. A worthy alderman of Tory leanings, and therefore a supporter of the party of Moore and North in the City, had gathered a party against Smithies. A sermon on a text from Galatians, 'Bear ye one another's burdens' had brought matters to a head, and L'Estrange was requested to come down and see for himself what was happening, an intervention which caused Smithies to remark on 'an ancient gentleman, who makes it his calling and employment to reproach and vilify whom he pleases'. It so happened that Smithies' position was really stronger than appeared, for he was of the class of Cavalier who had been turned against the

xxxix., xli., etc., quoted with approval in La Crose's *Works of the Learned* (January 1692), p. 213. 'Æsop condemns the double practices of Trimmers and false shuffling and ambidexterous dealings'. It has often been pointed out that many of the *Æsopic Fables*—as that of the 'Reed and the Oak' (L'Estrange, No. ccxv.)—teach the doctrine of yielding and politic shuffling.

¹ See *Conrart* (1681), No. 47, where he is accused of absenting himself from Church to 'lend an ear to Conventicles'; and *Observer*, i., 282, February 1683: 'You were speaking just now how quick the pulpits and the pamphlets have been of late and that put me in mind of a sermon that I heard yesterday was se'nnight at Pinners Hall'. See *A Pleasant Conference upon the Observer*, p. 10: 'Whilst he clamours of Dissenters, for not coming to Church, he thinks 'tis canonical enough to walk to Guildhall Yard, peep in at the Preacher, and presently retire to meet the Club of witty good mockers by Fleet-Ditch-side and droll away the day in blasphemy, ridiculing religious duties, or inventing Jack-pudding lies of some pretended Non. Con.'s preaching'.

Government by its violence, and Roger could not have selected a more damning case of what was happening over all England. 'My name,' says the worthy pastor, 'was then malignant as it is now Trimmer'¹ and he had brought over numbers into the Church.

This affair occupied September 1684. We need not examine Smithies' various replies to the *Observer* in November, nor did Roger give them more attention than to thank with unusual modesty 'a better pen than his own' for a *Vindication of the Observer*, which proves that he had still friends in the Church.

In November another victim was brought to the bar of the *Observer*, the Rev. Thos. Hughes, who proved a much easier victim in some respects, but whose gift of simple garrulity in the end proved as deadly as Smithies' loyal antecedents. In Prof. Arber's *Term Catalogues* for November 1684 appear, besides Smithies' three replies, a printed sermon by Hughes of 1683, which had drawn L'Estrange's fire together with his *Humble Candid Plea*. Hughes was of the vacillating dissenting type, which offered L'Estrange good scope for attack. In the Civil Wars he had fought against the King. He belonged to the same Presbyterian knot as Love and Jenkins, whose death in prison this year created a profound impression². In 1652 when only twenty-six, he preached a hot sermon for the Parliament which he recanted at the Restoration. Then followed twenty years hovering betwixt Church and Chapel, and in 1680 an offensive *Endeavour for Peace* which blamed the Church for making a reunion of Protestants impossible. Shortly after he found his way into the Church, and became a rallying ground of dissent within the Church. A sermon of his in 1683 after the Rye Discovery thanks God for the King's preservation from the *Popish Plot*. Just then L'Estrange was moving heaven and earth for a *Melius Inquirendum*, and to find a Churchman who still regaled his people (though 'a very mean auditory' which could scarcely be expected to know that the great *Observer* had demolished Oates' dagon) with 'fears and jealousies' was more than L'Estrange could stand. In his defence *The Candid Plea*

¹ *Observer*, i., 201, 8th September 1682:

'*Whig*.—I know scores of these old cavaliers that have changed their principles no more than the sun his road and yet at this day are accounted as errant Whigs and seditious rascalls'.

² See chap. xi., 336. He died 25th January 1685.

1684, Hughes pleaded the recantation of youthful follies and even dared to sport with the *Observer*. 'For me', says the obscure curate, 'to engage in such skirmishings were to take pains for promoting of his profit, and mine own damage; his business lying in this way of writing, and to prodigious gain they say'.

As a result of these furies there appeared in December a really famous tract *The Observer Proved a Trimmer*. It does not rank with the *Growth of Popery*, *Anatomy of an Equivalent*, or *Dissenters' Sayings*, but in part comes near the best of these. The author may have been Danvers¹. One would have thought that L'Estrange had known Care's and Johnson's style better than to suspect them. Though the tract came from Larkins' secret Press and through the dissenting channels, it is unlike the stuff that emanated from the lurking-holes of seditious dissent, and L'Estrange may be excused for taking it as a voice from the Church. What the channels referred to were, forms one of the fascinating problems of the Press². The Larkins family deserves a special place in the Temple of Nonconformity. Of George Larkins his apprentice Dunton says: 'like a glow-worm he still shined on me in the dark—my alter ego'. A month or two before, Larkins had printed a striking refutation of a pamphlet called *A Second Argument for . . . a Union among all good Protestants*, written by a person called Child who was one of the late converts to the Church so often mentioned. Delaune, in Newgate, wrote the refutation, which may have caused Child's suicide. It would be uncharitable to blame the saints for a feeling of grief tempered by satisfaction. From Larkins' Press issued a re-print of Delaune's *Answer to Child's Preface*. Now a month later Larkins is found printing *The Observer Proved a Trimmer*. Roger justly felt that Larkins (who as Mrs James reminded him, had been befriended by L'Estrange) was the glow-worm of dissenting intrigue. A letter intercepted from the seditious bookseller, Enoch Prosser, to a

¹ He was then being sought for another libel, *Murder Will Out*, *Gazette*, 4th January 1685. For Danver's precarious career see Macaulay (Popular edition, i., 256), who, true to his saint-or-devil method, makes him with Wildman a devil.

² Prof. Arber was puzzled for example by the amount of 'Quaking' stuff that got into print. See Preface to vol. i. of the *Term Catalogues*. Unfortunately none of the few Catalogues of Friend's Books supply much information on the subject. That of Joseph Smith, 2 vols., 1867, with a supplement 1893, gives more evidence of the large amount printed, than of how and by whom. It contains also many works which had no connection with the Quakers.

dissenting brother, James Wood, then lying at Wood St., Compter, throws some light on these secret methods of publication¹.

'I hear it objected that Mr Larkins and myself cannot publish the book as well as others, because we have no shops; therefore no occasion or motive to exchange with booksellers. To which I answer that *no bookseller would exchange such a book* till he is forc't to it, for want of sale for ready money; but will make what monies they can of it first and disperse printed advertisements to all booksellers, and other public places, about the Town, prefix the Title to all booksellers' doors and insert it in the Catalogue of Printed Books, that comes out every Term and which goes all over England. This Mr Larkins and myself can do, by dispersing a proper advt. all over the Town to give notice where they are to be sold, and send a person with a convenient parcel of them at encouraging rates to all booksellers besides the care we are able to take *expeditiously to furnish the several congregations with them*².

The popularity of the *Observer Proved a Trimmer* which came from this Press, is proved by L'Estrange's confession that it became as meritorious to be suspected of having a hand in it as afterwards was the case with the *Letter to a Dissenter*³.

Warned by this uproar, in the new reign Roger resolved to walk more warily, and a truce of God is proclaimed in the new volume of *Observers*, which began in February. The

¹ Beljame, *Le Public et les Hommes de Lettres*, p. 178: 'tandis qu'a la surface la Cour prenait ses ébats joyeux, et que le Théâtre et la littérature légère semblaient être tout, il y eut une littérature souterraine, si l'on peut dire, sur laquelle nous n'avons que des aperçus incomplets, mais qui dut être considérable, et qui sans éclat mais aussi sans défaillance, poursuivit son oeuvre lent et silencieuse, non sans effets.' For Larkins see chap. vii., 207.

² *Observer*, ii., 204. Enoch's Conventicle rhetoric is exhibited in another letter concerning Child's fate: 'a wandering star tossed to and fro, and a cloud without water'. Brother Jones, from Wood St., Compter, directed these press negotiations, hence the intercepting of these letters which L'Estrange publishes. A letter from Larkins to Jones, 12th December 1684 (*Observer*, ii., 199, 8th January 1684-5), clearing himself from the scandal of 'My being baptised, and sometimes since confirmed', gives some interesting details of his religious and printing career, 'I have been under much trouble about some *Queries* which I composed as a Journeyman at Mr Darby's, upon which account I was forced to be a witness against him, at the Old Bailey—the issue of which was Mr Darby's standing in the pillory'. See chap. vi., 187, note.

³ *Observer*, 5th January 1685. People look at him 'with a fleering kind of compassion after that unanswerable piece O. P. T. with such a look as I remember the City Marshall gave me when he delivered me up to the Keeper of Newgate in order to my execution, "Pray, sir, be civil to him, for he's a gentleman", with one side of his mouth drawn up to his ear at the word gentleman'.

impossible condition is 'no new Provocation'. Referring to this period in his *Portraiture of King James II.*¹ Titus Oates, after acknowledging the services of L'Estrange in his own case, says: 'Some of the Devil's brokers of the Popish-High-Church-non-juring Conspirators roared this, *That by taking the Coronation Oath James had already weakened the Prerogative*, out of their pulpits by the direction of Old Hodge (L'Estrange) their guide'².

A further collision with the City Clergy was certain, but it came before the proposed truce was well out of his mouth. In their address to the new King, these gentlemen used the seemingly harmless phrase 'our religion', which to Roger's distempered mind set up a barrier between the Church and the Crown, and might be an inlet for any religious enthusiasm. Not content with attacking this address, he followed up a week later by an extravagant eulogy of the Catholics—'Their principles are known and certain, and the other (*i.e.*, of the Church of England) unaccountable and vagabond'. At the same time he exposed certain popular scandals, such as those of idolatry and the doctrine alleged of the Papists, that 'King's may be deposed'. He still inveighed bitterly against a 'popular liberty of conscience'. In April he committed the crowning offence of developing the doctrine of the King's dual conscience, public and private, the former being immediately translated into the vernacular in the form *All subjects are bound to be of their Sovereign's religion*.

In addition to the odium of his attacks on the Whig Clergy it cannot be doubted that his savagery directed to notable Nonconformists in the beginning of this reign swelled the popular indignation, and that men of the Hughes-Smithies type would be shocked by the prosecution of Baxter, following so close on Jenkyn's death in Newgate. As we saw, this was the occasion of an unequalled display of barbarity in the *Observer* (29th January 1685) which attracted Macaulay's severest censure. The account of

¹ In four parts, 3rd ed., 1696, i., 97.

² Sir Sidney Lee (art. L'Estrange, *Dict. Nat. Biog.*) quoting *State Poems*, ii., 182, says of the same period, 'the savagery of his polemics was approved by the Clergy who believed in his reiterated cry of "the Church in danger". The "minor clergy" at this period is said to have thronged Sam's Coffee-house in order to listen to L'Estrange, who sat among them "prating" to them "Like a Grand Doctor"'. This may have been true of 1681-3. By 1685 he was both too unpopular with the City Clergy and too troubled with bereavement, gout, and fits, to play any such part.

Baxter's trial¹ does not mention L'Estrange, but we know that he selected the passages of the *Paraphrase of the New Testament*, on which the indictment was founded. Baxter himself has remarked in a note to be inserted in the second edition of his *Paraphrase*: 'I was for this book by the instigation of Sir Roger L'Estrange and some of the Clergy imprisoned nearly two years by Sir George Jefferies, Sir Francis Wilkins (Withans) and the rest of the Judges of the King's Bench'².

It was in January 1688 that the subject of a liberty of conscience began to be eagerly canvassed, and people naturally turned to the *Observer* to see what line the author of *Toleration Discuss'd* would take. The accommodation which he had advocated, having proved ineffectual, the way of Toleration alone remained. In January, Trimmer is willing to bet a guinea that L'Estrange will eat his words and set up for a Toleration. The answer—'if I find the wisdom of my superiors that way inclined, I should never open my mouth against it'—was followed two days later by a remarkable letter to the King.

'GREAT SIR,—The world will needs have me to be a Roman Catholic and the report of it is so strong that I reckon myself bound both in honesty and respect to inform your Majesty that I am really a true son of the Church of England'³.

A week before he had written Dr Charlet⁴. 'I can assure you that there is no thought of a Toleration. You heard I suppose of the Quo Warrantos against the

¹ *State Trials*, xi., 494 (merely some notes taken by friends), and an even more cursory notice in *Modern Reports*, iii., 68.

² *Life and Times of Richard Baxter*, by Wm. Orme (1830), pp. 464-5: 'The conduct of L'Estrange in promoting the prosecution of Baxter, is only in harmony with the other parts of his character. He was one of the most unprincipled, mercenary scribblers of the age . . . he had often before attacked Baxter by his pen, he now employed a more formidable and dangerous weapon, the Attorney-General and L. C. J. Jefferies'. Of those other occasions of literary strife which had proceeded intermittently since the Restoration, Orme admits that Roger's *Casnist Unca's'd* in a *Dialogue between Richard and Baxter* (1680), in reply to Baxter's *Nonconformists' Plea for Peace* (1679) is 'a witty pamphlet, but wickedly intended: yet the writings of Baxter furnished ample means for such a production, and it cannot be denied that Sir Roger makes a very dexterous use of them. The dialogue is often very humorous, so that it is impossible not to smile at the joke while we regret the object for which it is furnished. Baxter took it all very coolly. "I have never had the schooling of L'Estrange, and so never taught him to understand my writings, and therefore undertake not that things incongruous shall not seem contradictions to him"'. *Third Defence for the Plea* (1682), ii., 151.

³ *Observer*, 25th January, 1686.

⁴ *Ballard MSS.*, xi. (54), 19th January 1686.

Universities, Deans and Chapters and of a Commission for an enquiry into Abbeylands, etc., and 20 stories of the same batch which are all shams. The *Newsletters* will go to wreck everywhere and if there shall be any steal out of the same stamp with what they used to be¹, you'll oblige me in a word or two upon the matter. 'Tis almost as current here in London that the *Observer* is prohibited² and kicked out of the coffee-houses in Oxford, as anything in Oxford of what is done at London. I do not ask as doubting it, but I do believe that more or less, there was some fire for the smoke. 'Tis a hard matter to make a people that have been used to license and riot believe in the necessary prerogatives of an Imperial Prince to be less than tyranny and to distinguish between the King's authority and his religion. —I am, with much thankfulness, Your very faithful Servant,
 'R. L'ESTRANGE'.

Scarcely had this letter been penned, when a final attack on L'Estrange, this time without doubt from the City Clergy, was delivered, 'out of the mouth of the Church itself', as Roger says. Like all good attacks, it begins its powerful assault by complimenting its victim as a gentleman and a scholar. To meet this *Difference between the Church of England and the Church of Rome*, L'Estrange had once more recourse to an English bishop. Compton had ordered the first sheet of the *Difference*, etc., to be suppressed, and now our author thought him likely to be a sympathetic reader of his *Observer Defended*³. In this tract he gathers up a bundle of miscellaneous charges—the chaff of the coffee-houses—as that he 'had threatened booksellers who presumed to print anything against Popery'. To conclude 'There were great pains taken before the opening of Parliament to make work on it, for a formal complaint, but the pretence would not hold water'.

¹ See Wood, *Life and Times*, iii., 180. Muddiman's letters seem to have been specially objected to. 'Yet other trite and lying letters came'. They returned in 1689 (*Wood*, iii., 298).

² Luttrell, Jan. 2, 1686-7 (i., 392): "'Tis said Sir Roger is commanded to write no more *Observers*'. 2nd March 1686-7 (i., 396): 'He hath certainly laid down writing anymore'. Under the same date Luttrell notes 'the names of the Justices of Peace of Middlesex who desired his Majesty would dispense with their taking the oaths and Test'. Sir Edmund Warcup and his friend Sir Roger L'Estrange are among the seven.

³ Ranke (iv. 267-8) takes it as evidence of 'the change of feeling which had taken place in the circle of the Episcopal Church'.

This really finished L'Estrange's brawl with the Church. Further than a submission to his superiors in the matter of Toleration he would not go, and Trimmer's guinea may be fairly said to have been forfeited. The whole controversy leaves him much where he stood before. A vicious partisan truly, but sincere also. Granted Filmer's notion of Government we are landed at once in all the absurdities of L'Estrange's political creed. His religion, as he assured King James, was loyalty. Oxford applauded Filmer's views. He only desired to carry them to their logical conclusion¹.

In dwelling on L'Estrange's relation with the Church, we have omitted to describe those dignities and rewards which his fidelity had gained him. He had always been a 'Yorkist', and James hastened to make that 'scandal to all chivalry', Roger L'Estrange, a knight². Shortly after we hear of him as Crown candidate for Winchester, to sit in that Parliament which Macaulay has described as composed of the country boobies he delighted to picture the Tory gentry and clergy of that age³. Other historians invite us to scan the lists of Parliament to observe therein the most honoured names in English life⁴. But no one has ever denied the justice of Seymour's attack on the universal coercion adopted to secure the return of Court candidates, or grudged the pages which Macaulay devotes to this subject⁵. It has been already remarked that the Whig historian made better use of the *Observers* than most writers, and so in his catalogue of corruptions in connection with this election, he is indebted to L'Estrange's paper for one such instance. It is curious he should have omitted reference to Roger's own case at Winchester which lay to his hand, and is at least as instructive as the election manœuvres at Newport, Pagnell, Chester⁶, or St Albans.

¹ When Bohun was turned out of the Commission of the Peace by James II. (he had written 'a book against the Papists', which was refused a license) he 'began to consider whether the Filmerian doctrines could be reconciled with Liberty'. (*Diary of Ed. Bohun*, Wilton Rix (1853), pp. 77 and 69).

² Oldmixon, i., 695. Luttrell, *Diary*, i., 34, 30th April 1685: 'with a particular satisfaction he had in his loyalty'.

³ Macaulay (Popular Edition), i., 249-50.

⁴ Eachard, 1056: 'It consisted for the most part of the late prevailing party, but of the richest and wisest men of the Kingdom'. Evelyn (*Diary*, i., 595) corroborates Burnet's report which is of course unfriendly. Luttrell, *Diary*, i., 341, has something to the same effect. So Coke, *Detraction*, ii., 333; and Ralph, i., 861.

⁵ Macaulay (Popular Edition), i., 233-5.

⁶ For the Chester election and defeat of the Whiggish Sir Robt. Cotton, see *Observer*, iii., 25, 4th April 1685. 'You have here the Life and Death of Whiggism in these parts', is L'Estrange's comment.

There were two parts of the Kingdom where special efforts were needed to get the right man elected. As to the North, we have letters from Lord-Lieutenants and men in authority all over, eking out testimonies of loyalty with hopes and promises, mingled with cautions and threats in connection with the elections at York, Newcastle, Berwick, etc. A special anxiety is also displayed in respect to Bridgewater, Bristol, Salisbury, and Winchester, in the west and south¹. The judges were the main instruments of coercion, and Sunderland chief Whip of the King's Party. The last named city, the capital of Hampshire, was one of the centres of Whiggish disaffection. It elected two members, who had been for several Parliaments, Sir John Clobery and a Mr Morley. The honest townsmen had fixed on their re-election, and as the matter rested largely with the Mayor and the Aldermen, the choice was regarded as settled when on a Monday evening in March, Justice Levinz, then on circuit, received Sunderland's commands to force the names of two entire strangers, one Sir Roger L'Estrange, the other his creature, Chas. Hanse, on the community. 'My Lord,' says Levinz², 'the next morning (being 3rd March) between 7 and 8 of the clock I sent to the Mayor of the Place to desire I might speak with him and his brethren. But he being laid up with the gout within a short time after, the Recorder and 3 or 4 of the Aldermen came to me and I acquainted them with what your Lordship commanded me. They told me it was late because they had pitched upon the others before, but some of them said they should choose Mr L'Estrange and Mr Hanse³, since they were likely to be most acceptable to his Majesty, and some said they would have them and no others. The next morning Sir John Clobery having heard of this came to me, of which I was glad because I heard there began to grow a very great division in the Town about the matter intending to endeavour to persuade him to decline standing which upon the discourse, I then had with him, I had some hopes to effect'.

Something of this growing division is conveyed in an

¹ See numerous letters in *S. P. Dom. James II.*, i., 58, 80, 81, 82, etc.

² *S. P. James II.*, i. 79.

³ That Sir Roger should be pressed on Winchester is bad enough, but that he was able to carry 'his comrade' Hanse is truly surprising. See *H.M.C.*, 11th Rept., pt. v., p. 123. Bp. Ken notifies that the election of L'Estrange was agreeable to the King's wishes. Duckett, *Penal and Test Acts* (1882-3), i., 427.

anonymous letter to the Mayor on the same morning¹ (3rd March).

‘MR MAYOR,—It is reported that Bernard Howard² has recommended Mr L'Estrange to you to be your burgess in Parliament and that you intend to choose him. . . . He is a papist. Have you read the book entitled *The Observer Proved a Trimmer?*’

Sir John was not so easily dissuaded from standing, for the feeling of the townsmen and the support of the two Lord-Lieutenants made him think of defiance. All over the country reports of such sturdy resistance were coming in, and gave some slight colour of rebellion and the threat of military force³. In the case of Salop the same means were employed⁴. The people who resisted or put up opposition candidates were ‘horrid Whigs’, or ‘those they call moderate men, *i.e.* Trimmers, as great rogues as live in the King’s dominions, etc.’

What happened in the case of Winchester is conveyed in two letters from Howard of the 25th and 26th March. Clobery and Morley had a strong following both among the townsmen and gentry. The Earl of Gainsborough and Lord Camden went as near opposing the royal mandate as they decently could. Whilst giving out that they personally would take no part in the election, these noblemen gave instructions to their stewards to prosecute a vigorous canvass for Clobery and Morley. Hence the first letter referred to⁵, asking the Government to convey a hint to Gainsborough, ‘to say that his Lordship hath given *new* instructions, that he will serve them (the Tory candidates) with his interest, not vote against them’. The second letter says that Gainsborough ‘will neither write nor vote for us, but be well enough pleased to have the Whigs in commission under him’. The loyal Howard proceeds to regret that His

¹ *Observer*, 12th March 1685.

² The Recorder of Winchester, whose partisan letters to Sunderland are sufficient alone to justify Macaulay’s strictures on this period.

³ *S. P. James II.*, i. 81, 3rd April: ‘My Lord Derby had ordered the Deputy-Lieutenants to draw part of the Militia into Lancaster where the election is, for the rabble will certainly commit some grand riot against the gentry, if they do not actually rise in rebellion’. See the *Observer*, iii., 25 already alluded to for an account of these tumults.

⁴ *Ibid.*, 80, 4th April 1685. ‘The King was so gracious to Mr Lewson as upon his account to order Capt. Orme to desist’. See also Jeffries to Sunderland (*ibid.*, 82): ‘Hamden will assign his interest to Sir Roger Hill, who now sets up a horrid Whig’.

⁵ *Ibid.*, 61.

Majesty's Lord-Lieutenants should be so factious. At the same time he encloses—surely the most scandalous feature of the later Stuart reigns—lists of the factious on the Commission of Peace¹.

The result of these underhand dealings was that on the 26th Cloberry and Morley at a meeting of their party decided 'that their numbers were inconsiderable', and the same night 'the Mayor sent us word that they had both declared that they would give over the contest, and we have just now chosen Mr L'Estrange and Mr Hanse'².

Of Morley we hear no more³, but Cloberry, unwilling to suffer a total eclipse, a month later sends Sunderland notice of a poor girl of sixteen called Kemp, who was heard to speak wild words of Charles II. having been murdered by his brother⁴. By such means could an English gentlemen seek to vindicate his loyalty!

This Parliament is remarkable for what must be almost the earliest example of the meeting of the leaders of parties on the eve of Parliament. It speaks something for the position L'Estrange had gained in the Party, that he took a leading part in addressing the loyal gentlemen who met at the Fountain Tavern in the Strand, the day before Parliament met⁵. His name, however, does not appear prominent in the debates which followed, and which were interrupted by the news of Monmouth's rebellion. One measure, the last passed before the adjournment caused by that event, must have pleased him. Macaulay has expressed surprise that the Press Act 'which would in our age convulse the whole frame of society' was revived with a batch of other Acts, no care being even taken to define the old Statute. Its renewal with 'every clause, article, and thing therein' was taken as a matter of course, as the legislators of 1660

¹ *S. P. Dom.*, *James II.*, i., 66. 'Your Lordship will see by the enclosed testimony of the present Mayor (Mr Penton), Mr Fletcher and Mr Hanse, how true that is which you could not believe of Mr Morley'. As to the townsmen, 'I have comforted them by assuring that they shall have the custom of all my friends both now and when the Court comes down'.

² *Ibid.*

³ He appeared for Winchester in the Convention Parliament. Duckett, *op. cit.*, i., 427.

⁴ *S. P. James II.*, i. (93).

⁵ *Observer*, 27th May 1685, quoted by Macaulay, *Popular Edition*, i., 249; *Verney MSS.* (*H.M.C. App. to 7th Rep.*, p. 499), 10th March 1685: 'There's mad work in many elections. L'Estrange and his comrade, I hear, is chosen at Winchester'. *Ibid.*, 13th May: 'The Town says that Sir Roger L'Estrange shall be a Lord'. Luttrell, *Diary*, i., 367: 'There is a report that Sir Roger L'Estrange is to be made a Master in Chancery'.

proceeded to delete the legislation of the previous twelve years, so the 'loyal' Parliament of 1685 took up the thread where it had been dropped by the tumultuous Parliament of 1679¹. The expiry of the Act in that year was not a mere accident as we have seen, and when in 1695 the Act was finally dropped, the Commons could give eighteen good Whiggish reasons why it should not be continued².

The best proof that the Stationers were securely gagged is that we hear no more of them in this reign. The *Observer* closed at the 244th Number of the 3rd volume³, 2nd March 1687. It is observable, however, that from the moment he began to lose the favour of the Church, all life seems to drop from L'Estrange's pen, which may serve to prove the sincerity of his attachment to the Anglican Establishment, rather than how much he feared a coalition of his enemies. The triumph over the Monmouth Rebellion had carried him, as Macaulay remarks, into the fiercest excesses. His visit to Scotland in 1686 and setting up a Press in Holyrood, to persuade the Scottish Parliament to repeal the Tests, to dispense with which he with others petitioned the King, had not added to his popularity. As member for Winchester he was specially interested in the upheaval in the West, and must have remarked with mortification that the City which had the honour to be represented by himself and Hanse provided—on his own computation—no less than four hundred to the rebel host. Worst of all, of these *only some twenty, or thirty were declared Dissenters*⁴. In the Great Civil War the contrary had been true. Hence the bitterness now for the first time quite openly directed against the Church in his *Reply to the Reasons of the Oxford Clergy against Addressing*. The spirited resistance of these gentlemen to the high-handed

¹ Bigmore and Wyman, *Bib. of Printing*, ii., 127. Ralph, i., 981: 'The very party (Church) who first prepared this Act . . . were made liable to the smart of it', i.e., from Catholics.

² *Lords' Journals*, xv., 545b, chap. v., 5a. For an account of the new severities in the Press, see *Reasons Humbly Submitted for the Liberty of Unlicensed Printing* (1693); Macaulay, *Hist. of Eng.*, chaps. xix. and xxi.

³ There is some notice of the setting up of a Catholic Press by L'Estrange at Holyrood, 1688. See Fountainhall's *Historical Notices* (1848), p. 744, and Wodrow's *History of the Sufferings*, p. 371, quoted in Mr Hume Brown's *Hist. of Scotland*, ii., 438. For the Catholic Press set up by Jas. Watson at Holyrood see article *Jas. Watson, King's Printer*, by W. J. Couper—*Scot. Hist. Rev.*, vii., 27.

⁴ *Reply to the Reasons of the Oxford Clergy* (Somer's Tracts, ix., 36): 'Go down to Winchester where were above 400 of the meaner sort, and except 20 or 30, all declare themselves to be of the Church of England'.

conduct of Parker, their Bishop, who insisted on their participating individually in the Address, invoked the intervention of him whom Scott calls 'the Coryphaeus of his party'. All his usual cautions are thrown aside, and the Church is roundly attacked for harbouring the main supporters of the two late conspiracies¹. Little wonder that what with his attacks on the Dissenters within the Church, the 'Grindalisers', Hughes and Smithies, what with his appeals for accommodation and reunion and his present open attack, he found it difficult after the Revolution to defend his attitude, and that despite death-bed and other protestations, those divines who wished rather to remember his earlier services found it difficult to 'vindicate an injured memory'. His friendships, too, must alone have exposed him to attack. From Cartwright's *Diary*² we learn that he was on familiar terms with that hated prelate and his friends. He was associated with Sprat, Parker, and the Bishop of Ely. His lay friendships as we have seen were as notorious. Guise, Armiger, Harwich, and L'Estrange were the persecuting party in the Middlesex Justices, allied with North, Moore, and Wright of the City, with Graham, Burton and Hanse at the Law Courts, and with Sir Edmund Warcup and Justice Withans on the Judges Bench. In short he was a main figure in that experiment of absolute rule which has provided the Whig historians with the part of their argument which is unanswerable.

¹ Somer's *Tracts*, p. 38.

² *Diary of Dr Thomas Cartwright*, published by the Camden Society, 1843, pp. 4, 5, 45, etc.

CHAPTER XII

THE REVOLUTION

THE Revolution of course brought ruin and the long threatened Parliament to L'Estrange. With Sprat¹ and others he had dropped off before the end, but his name was too prominently associated with every attack on liberty to make him immune from vengeance. It has been said that the *Observers* ceased, because L'Estrange could not go back on *Toleration Discuss'd*. This is not quite true, for, as we saw, he was prepared to eat his words in that much-vaunted performance, but to sign his name to the unnatural union between Dissent and Rome, which the Court contemplated, was too much for him. He was by no means an opportunist, and displayed a degree of fanatical persistence on behalf of the Crown, which is deprecated even by Hume, Johnson, and Swift².

The first news we have of him after the Revolution, is of his commitment in December 1688. Apparently he was not immediately seized like Jeffries³ and Walker, but a specific pretext for his arrest was alleged, that of 'writing

¹ See his Letter to Dorset (1689) quoted in Cibber's *Lives*, ed. 1753, iii., 237.

² 'A superficial, meddling coxcomb' is Swift's tribute (not in his hand, however) in one of his Notes on Burnet, Airy's ed., ii., 221.

³ Though they were associated in the popular mind. See the ballad *Rome in an Uproar* (*Roxburghe Ballads*, iv., 309), 'the work of some convicted libeller such as John Tutchin', says Mr Elsworth, and Charles Blount's (*Philopatris*) poem, *The Observer, or the History of Hodge*, beginning 'Stand forth thou grand Imposter of the times'. That Hodge should 'dance the long jig' was the hope and expectation of the rabble. In the outburst of crude poems on the model of *Absalom* and *Achitophel* which increased at the Revolution, we find several in which L'Estrange appears as *Absalom Senior* or *Achitophel Transposed* and *Uzziah and Jotham* (1690). Roger finds a place in the latter after Peters and Jeffries, under the name of Rabsheka (*sic*). He is 'the State's keen spy . . . whose wit beyond compare, could subdivide an atom, split a hair'. With 'nicknames of distinction' and 'cramp words' he kept the nation in a pother. On the whole, however, with the exception of attacks like Oates' *Portraiture of King James II.*, and Phillips' *Secret History of Charles II. and James II.* (1690), Sir Roger came off rather lightly.

and dispersing treasonable papers against the Government'. Two Jesuits shared his fate¹. He had evidently taken to the old trade of the Interregnum 1659-60, but with less skill or fortune. We shall find that on the discovery of the two most dangerous conspiracies of this reign, that of Ashton's Plot in 1691, and again in the Fenwick Affair of 1696, our fabulist was promptly committed. It is extremely unlikely that these arrests were anything more than precautionary measures, or that Sir Roger was more indiscreet than to write or disperse an occasional fireball. Of these, however, we find no trace with the exception of Ashton's paper found on his person. But the fact that on two occasions, he seems to have been taken in the company of Jesuit plotters, points to some lack of prudence on the part of such an old 'plot-learned Knight'. That he refused to take the Oaths to the Government after 1696², that he was cautioned to moderate the tone of his reflections in his *Æsop* and *Seneca*³, that he was committed on the two or three crises of the reign, these facts sum up our knowledge of his relations to William's rule. In Queen Anne's reign, we actually find this aged incendiary and moralist (he was eighty-six when Anne succeeded) once more soliciting employment and seemingly not without hopes of success⁴.

Whilst L'Estrange as a political force, is extinct after the Revolution, we learn more of his private life during the last decade of the century, and above all of his relations with the booksellers, than at any corresponding earlier period. What we know is as in the case of Dryden's last years, and still more of Settle's, intensely unhappy. The shadow of the Government's displeasure shown in the arrest of December 1688 referred to, and the more injurious circumstances of his seizure in the Assassination Plot of

¹ *Kenyon MSS. Reports, Commissioners*, 34, p. 211, 18th December 1688. Father Hall and Father Peters' brother are the two Jesuits.

² *Ballard MSS.*, xi. (79). Justice Warcup to Dr Charlet, 28th November 1696: 'Poor Sir R. L. S. told me he is (among others) convicted for not taking the oaths to the Government, which subjects him to all the penalties of a convicted papist'.

³ *Æsop at Richmond (To the Reader)*. 'He (R. L. S.) told me privately he had been informed that some of his works had been directly against his will, rendered disgusting and obnoxious to the best of Kings and Governments'.

⁴ *H.M.C., App. vii. to 11th Rept.*, p. 114—R. Sare to Sir Nicholas L'Estrange, 10th March 1704-5: 'He would soon have made himself capable of preferment, and in order thereto, I had got the Queen's letter for him'. For some account of Sare, see *Notes and Queries* for 6th August 1910.

March 1691¹, was scarcely relieved by the appointments of his old enemies to good posts. Oates had his £400 pension, Trenchard took high office, 'Julian' Johnson was rewarded, and even 'honest' Stephens, the Press messenger, got back his place². Shadwell was on the throne vacated by Dryden. Worst of all the 'Mephistopheles of the faction', Aaron Smith, 'Oates' legal prompter', became solicitor to the Treasury and Chancellor of the Exchequer. 'Lord Grey was given office and an earldom, and Fergusson a sinecure in the excise with a salary of £400 a year; Wildman, the first 'proposer and mover' of the assassination scheme, was made Postmaster-General, the sentence on Walcot was reprieved³. The feeble Fraser 'a poor broker of books' succeeded him as licenser, to be succeeded in turn (August 1692) by the Tory Edmund Bohun, who was accused of being 'a second L'Estrange'⁴.

Devoted to literary employments—which poverty made necessary—Sir Roger contemplated the full circle of fortune with some of the fortitude his *Seneca* might have approved. Unfortunately his home life was wretched. His wife, Ann Doleman, the 'young lasse' wedded to 'an old fellow' of 1680, had found the card-table more attractive than the incessant political wrangling in which her husband found his being—wrangling of a kind which affronted her father's politics⁵.

¹ *C.S.P.D.* (1690-1), p. 291, 3rd March 1691. Viscount Sydney to Nottingham. 'At another place was found Sir Roger L. and two Irish Papists with Mr Assheton's paper, thrown under the table, and in his pocket several memoranda, that we do not yet know what to make of'. Assheton's paper was the declaration left behind after execution, 'in which he owned his dependence upon K. James and his fidelity to him'—Burnet. Luttrell, *Diary*, ii., 189 (March 1691) notes that he was taken with Capt. Throgmorton and Father Francis.

² *C.S.P.D.* (1689-90), p. 3. Warrant to Robt. Stevens, Messenger, and *Inspector of Printing Presses*. His office seems from the title to have been enlarged. Dunton, *Life and Errors*, p. 253: 'If I printed a book that had no license, I took such care to dazzle his eyes, that he could not see it', which bears out Roger's attacks. Yet 'perhaps none thought him as black as the *Observer* makes Stevens'.

³ Sitwell, *First Whig*, p. v.

⁴ Of Fraser, Bohun (*Diary*, Wilton Rix, p. 110) says: 'Under him the Whigs had golden days', but he seems by the flood of Jacobite literature to have been no 'bloodhound of the press'. Bohun's patron was Nottingham, to whom he was recommended by the Bp. of Norwich. He was voted into custody by the Commons, 20th January 1693, for licensing Blount's *King William and Queen Mary Conquerors*. 'I was a Jacobite, a tub-preacher, a hackney-writer under Sir Roger L'Estrange'. He was called 'L'Estrange's amanuensis', etc. See *Reasons Humbly Offered for the Liberty of Unlicensed Printing; with the True Character of Mr Ed. Bohun* (1693): 'Mr B. and Sir R. are cronies, and 'tis well known have acted in concert'. There is no evidence from L'Estrange's side that he even knew Bohun.

⁵ Chap. viii., 240, note.

There were three children of the marriage; the first a son, died in February 1684 when his father was starting a new volume of *Observers*¹. His daughter must have been born shortly after, for in 1694 we gather she is a girl in her teens, and her conversion to Rome in 1700 could scarcely have taken place much before her twentieth year. A second son, Roger, was a youth at school when his father was lying in prison in connection with the Fenwick conspiracy, 1696². The full force of the misery existing at the household in High Holborn can best be understood from a letter or two which have survived in the Muniment Room at Hunstanton. The first of these worth quoting in this connection is dated 2nd July 1693, and addressed by Sir Roger to his grand-nephew, Sir Nicholas L'Estrange, the present squire. It is pleasant to relate that his dark fate was relieved by the occasional kindness of Sir Nicholas and his lady. At the moment referred to, Roger's daughter had found a refuge from the sordid misery of her father's house at Hunstanton Hall.

'My heart aches', writes the old Knight³, 'for fear of that addle-headed stubborn girl of mine, that has the honour to be under the protection and charity at present of your roof'. If her behaviour to Sir Nicholas and his lady be what the father trembles to think of—he continues—he will not suffer her longer to be an encumbrance to her best friends in spite of the reduced condition of his fortunes.

Less than a year later the 'addle-headed' girl lost her mother, and if any letter can do credit to L'Estrange's heart that which he then penned to Sir Nicholas must do so.

'7th April 1694, 12 at noon.

'Play and gaming company have been the ruin of her wretched self, her husband, and her family; and she dies with a broken heart; but after all I have said, never any

¹ *Observer*, 13th February 1684.

² *Trimmer*. Your only son is dead, I hear, and methinks when the hand of God lies so heavy upon ye, you should find something else to take up your thoughts than the writing of *Observers*.

³ *Observer*. The poor creature was born upon Good-Friday 1678, and he died Thursday last, 7th February, and I do persuade myself that it is as great a loss as ever any man suffered in a child under six years of age'.

² *H. M. C., App. vii. to 11th Rept.*, p. 112.

³ *Ibid.*, p. 111. This girl is possibly the child mentioned by Luttrell (*Diary*, i., 340, 30th April 1685), as christened by the Bp. of Ely, Sir Thos. Doleman, godfather, on the day Roger was knighted. Sir Sidney Lee (art. L'Estrange, *Dict. Nat. Biog.*) thinks it may be the boy mentioned above. He also seems to think that her 'religious vagaries' were the only cause of her father's anxiety.

creature lost a dearer wife. She made mention often of yours and your lady's generous and charitable friendship to us both, in your goodness toward the poor girl'¹.

The extreme opposition between the politics of her father² and of her husband may have added to the difficulties of the household. Something had been hoped to relieve their embarrassed finances from Mrs L'Estrange's reversion on the Doleman estate, but it was the melancholy duty of Roger's publisher, Richard Sare (who replaced the Bromes, and seems to have pretty well taken over Sir Roger's monetary affairs) to announce to the squire of Hunstanton that the lady had gambled away a large part of her reversion. Judging by the time it took to settle this matter we may infer the tangled nature of L'Estrange's affairs. The question was not finally settled when that conspiracy which so much resembled the Rye House Plot in its purpose and effects swept all Jacobite suspects into gaol, and aroused Parliament to imitate by an association the Protestant fervour of 1584³. The main seizures of the discovery which is so fully related by Burnet, took place on the nights of the 22nd and 23rd February 1696. The fact that L'Estrange was not committed till 6th March⁴ shows that, in his case, bare suspicion was the motive, and we scarcely need his assurance communicated to his grand-nephew, three weeks after his arrest, that he has 'held himself clear of contriving, fomenting or being privy to any one point of the Plot now in agitation'⁵.

How long he lay in prison beyond the three weeks noted here is uncertain, but again in November of the same year we find him convicted for not taking the Oaths to the Government⁶, and on this occasion his imprisonment lasted till January of 1697 at least⁷.

¹ *H.M.C., App. vii., to 11th Rept., p. 111.*

² Doleman on the Succession was a classic on the Whig side.

³ See *A Summary Account of the Proceedings upon the happy discovery of the Jacobite Conspiracies, 7th March 1695-6 (Reports, Commissioners, 26, 206)*, concluding, 'You must not expect a license for this, for Sir Roger L'Estrange had last night the mishap to be committed close prisoner to Newgate'. L'Estrange is not mentioned in the Informations taken in connection with this Plot. *State Trials*, xii., 1302.

⁴ Luttrell (iv., 24, 3rd March 1695-6), Col. Graham, Sir John Friend, Sir Roger L'Estrange taken.

⁵ *H.M.C., App. vii., to 11th Rept., p. 111.* Sir Roger L'Estrange in Newgate to Sir Nicholas L'Estrange at Hunstanton, letter initialled R. L.

⁶ *Ibid.*, p. 112.

⁷ *Ibid.*

From the extraordinary outburst of Æsopic skits which followed his *Æsop*, we gather that his imprisonment had, despite Sare's kindly assurances to Sir Nicholas, affected his health which had never been good since his first apoplectic seizure in 1683¹. If we may judge from these wretched productions, he visited successively Tunbridge Wells, Bath, and finally crossed the river to Richmond Wells 'so famed of late'. *Æsop at Richmond, recovered of his late illness, dedicated to his R. H. Duke Humphrey*, is the title of one of these, dated 1698, when Sir Roger was preparing the second part of his *Fables* and finishing his eight years' task on *Josephus*. In 1700 we find him, in his letters to Caryll², very feeble. 'I have neither eyes nor fingers', he says³, and when he does write himself, it is in a very quavering hand though the spirit is still brave. At the moment when his *Josephus* is about to appear, we find him undertaking, with the help of his nephew as amanuensis (his own hand, he says, would be a scandal to the copy) to prepare or correct a version of St Evremond's *Memoirs*, which he regards as very worthless and 'not worthy of Mr Caryll's pen'⁴. The project was accordingly set aside for the moment, though, such was the appetite for this literature of amours, much appeared of these *Memoirs* a year or so later. This appears to have finished his labours. There was some difficulty over apportioning his *Josephus* expenses among the various undertakers, which caused him to utter some fretful words, and the work did not appear till 1702⁵. Boyer says that his faculties were much impaired during his last years,

¹ Luttrell, *Diary*, i., 252, 5th March 1683: 'Mr R. L. hath been lately very much indisposed with fits'. April 1692 (ii., 414): 'Sir R. L. was seized yesterday with an apoplectic fit, and is since despaired of'.

² For some notice of this patron of letters, who introduced Pope to Steele, see *Life and Times of Rich. Steele*, by G. A. Aitken (1889), i., 87.

³ Letter to Caryll, 3rd September 1700, *Add. MSS.*, 28237, f. 4.

⁴ Letter to Caryll, 15th September 1700, *Ibid.*, f. 8. It may be of some interest to remark that as his first essay in translation, the *Querido*, was designed to revenge himself on the women and lawyers, so he declined the St Evremond *Memoirs*, the last project with which he was connected, on the grounds that 'the whole is but a satyr upon women under the cover of novels and morals'.

⁵ Roger L'Estrange to Caryll, 18th October 1700, *Add. MSS.*, 28237 f. 12: 'The story is as follows. I was hard pressed by some booksellers to translate Josephus, and came in the end to an agreement with them, for a convenient sum of money and 50 copies for my pains, one half in common paper, the other in royal. The 50 copies I have reserved to myself upon this bargain, are to be raised upon 50 subscriptions with receipts to them under my own hand till the number is out'. *Ibid.*, f. 10, Roger L'Estrange to Caryll, 5th October 1700: 'It is no secret that I have consulted my own advantage in this impression'. The 'convenient sum' was £300 (*H.M.C.*, 11th Rept. App. vii., 113).

and this has been copied by the later biographers. If so, there is little sign of it, other than physical, in his latest letters, and we see him actually soliciting office down to the last moment. He was then much exercised by the fear that posterity, to which he had so long strained his vision and which has cared so little for him, should remember him as a Catholic. The last blow, the conversion of his unruly daughter to Rome, increased the dread to such a pitch that he committed to his friend the Jacobite Bishop of Ely (who had been her godfather) a solemn statement on the subject, and the task of confuting the calumny if need be.

‘16th Feb. 1702-3.

‘The late departure of my daughter from the Church of England to the Church of Rome’, he says, ‘wounds me to the very heart of me, for I do solemnly protest in the presence of Almighty God, that I knew nothing of it, and for your further satisfaction, I take the freedom to assure you upon the faith of a man of honour and conscience that as I was born and brought up in the communion of the Church of England, so I have been true to it ever since with a firm resolution with God’s assistance to continue in the same to my life’s end. Now in case it should please God in His providence to suffer this scandal to be revived upon my memory when I am dead and gone, make use, I beseech you, of this paper in my justification, which I deliver as a sacred truth.—So help me God.

‘ROGER L’ESTRANGE’¹.

Many years later (30th August 1735) Dr Tanner writing to a friend says: ‘The emissaries of the Church of Rome are very busy when our senses and faculties decline, and it was Sir Roger L’Estrange’s desire (after his daughter had been seduced into that communion) that all those gentlemen should be kept from his dying bed, he being no stranger to their compassing sea and land to gain proselytes’². Despite the injury done to his credit with the Church in James II.’s reign, Roger maintained for many years a very particular place in the affections of the High Party in the Church. We find, for example, Dr Charlet, a few months after the above letter, urging the same defence against ‘a D.D. of our

¹ *H.M.C., App. vii. to 11th Rept.*, p. 118; cf. *Stoane MSS.*, 4222, p. 14.

² *Ballard MSS.*, vol. xix., No. 18.

church of Hereford (who) has spent his time so laudably as to publish a new English translation of Æsop's *Fables*, and reflecting on Sir R. L. S. for apostasising *in extremis* to the Church of Rome'¹.

The accession of Anne naturally inspired new hopes in Jacobite breasts, and, such was his incredible spirit, even L'Estrange at eighty-six looked for a renewal of employment. In the midst of these hopes he died², 12th December 1704, in the eighty-eighth year of his age, 'during the latter part of which', says Chalmers³, 'his faculties were impaired'. It would be difficult even in that great age to point to a life more full of contention, of greater span, and down to the last ebbings, despite more than common disasters and insults of fortune, more occupied with affairs⁴. He had been Cavalier, poet, musician, surveyor, magistrate, Projector, Journalist, Government spy and apologist, Royal Commissioner, Prince of Pamphleteers and Translators, and in all capacities by force or violence had made himself outstanding, hated by the many, loved by the very few. 'I have had', he said, 'an unlucky hand, and so must every man expect, that makes so many men his enemies, as value a trimming interest before an inflexible honesty'⁵.

¹ *Ballard MSS.*, vol. xix., No. 30.

² *H.M.C.*, *App. vii. to 11th Rept.*, p. 114. R. Sare to Sir Nicholas L'Estrange, 10th March 1704-5. 'The death of poor Sir Roger was very surprising. The Captain gave good reason to hope he would soon have made himself capable of preferment and in order thereto I had got the Queen's letter for him. The trouble about Sir Roger's concerns will now by this loss be quickly over and all matters may safely be resigned to his daughter'.

³ Article L'Estrange in Chalmers's *Gen. Biog. Dict.* (1815) pp. 205-11. The reference to impaired faculties is copied from Cibber's *Life of Roger L'Estrange* (ed. 1753, iv., 295-303), which in turn is taken from Boyer (*Queen Anne*, p. 38). 'He was suffered, however, to descend to the grave in peace, though he had in a manner survived his understanding', is Cibber's paraphrase of Boyer's—'He went to his grave in peace though he had in a manner survived those intellectuals he enjoyed to an uncommon perfection'.

⁴ In addition to the portraits and engravings of L'Estrange noted by Sir Sidney Lee (art. *Dict. Nat. Biog.*), viz.: a Kneller at Hunstanton (painted 1684), the Lely exhibited at South Kensington, 1868 (714 on Catalogue), and a mezzotint by P. Tempest 1684, we have R. White's engraving from the Kneller in the Æsop (1st part) and two fine engravings, one a mezzotint with autograph in the Sutherland Collection at the Bodleian. See *Catalogue of the Sutherland Collection of Portraits*, i., 593.

⁵ L'Estrange's *Two Cases Submitted to Consideration*, etc., printed from his original MSS., 1709 (printed as a single-sheet folio, 1687). Even Dunton, to whom Nature gave such a large share of the milk of human kindness, has his gibe. His portraiture of L'Estrange (*Life and Errors*, p. 265) was probably written in Roger's last year. 'His sting is gone and since his weekly Satire is fallen asleep, is no longer a guide to the Inferior Clergy. Hark ye, Sir Author', says Dunton to himself, 'comes a little piece of crape buzzing in my ears—consider what ye say and do. There is a respect due to the unfortunate, especially to those who have been great and are still men of sense and ingenuity'.

It is of L'Estrange in the last mentioned capacity—that of Translator—that we come to speak now.

And first there is the question of his relations with the booksellers, a race of whom Malone says, 'their conduct in the seventeenth century was less liberal, and their manners more rugged than at present'¹. 'Sir Roger', says Cibber, 'having little of paternal fortune, and being a man rather profuse than economical, he had recourse to writing for bread', the trade which, according to the same writer, Howell introduced². The gibe—so it would be considered in that day—is scarcely true of any lengthy period prior to the Revolution. Whilst in the long period of the Surveyorship he found it profitable to eke out his living with an occasional French or Spanish translation, he depended much more on his lucrative monopolies. His first dip into the world of translation was during that brief period following his loss of the *Newsbook*, when the secretaries desired to dispense with his services. His publishers during the entire thirty years from the Interregnum agitation, when both printer and author were involved in a common danger, to the last months of James II.'s reign, were the Bromes, 'honest' Harry, then his widow, and latterly his son Charles³. The great publishers Sare, the brothers Churchill, and Gilliflower came to his rescue after the Revolution. Tonson and Curll, especially the latter, held the copyright of his *facetiae* in the age of Anne and George I. In the furious agitation of 1679-81, and when in exile, it is clear that our author was in very low water from the withdrawal of his office and the virtual loss of his patents. The republication of his old Restoration anti-Presbyterian works was hit on both as a means to punish the faction and to reimburse the author. Never was author more loyally served by publisher than L'Estrange was then by Harry Brome, who has been preserved in many an abusive cartoon as the broom between the dog Towzer's legs⁴. Roger's writings during these troubles were very numerous, but except for his *History of the Plot*, and his translations

¹ Malone, *Dryden*, quoted in Nichol's *Illustrations*, i., 293.

² Cibber, *Lives*, ii., 34; and iv., 293. Johnson, however, says that L'Estrange was the first author he could find who was regularly enlisted in party service for pay. Needless to say the race of Nedham and Birkenhead was earlier.

³ For some account of this notable bookselling family, see *The Earlier History of English Bookselling*, by Wm. Roberts (1889), p. 104.

⁴ Sir Sidney Lee (*op. cit.*) notes the longevity of the 'Towzer' nick-name and quotes Defoe complaining (1703) of a pirated edition resembling the original no more than the dog Towzer resembled L'Estrange.

of Cicero, Erasmus, and Seneca, were mostly forced upon him in the controversy which his temerity provoked. During the later years of Charles' reign and the three years of his successor, his figure was so great and his monopolies so lucrative that he was far from the necessity of 'scribbling for bread'. Yet these years are responsible for a great deal of work, to say nothing of his *Observers* with their 'prodigious gain'. But with the Revolution we enter a new field. There was scarcely as, in 1679-80, much hope of restitution of office, save by a counter-Revolution. His old works, mostly ephemeral in their nature, had no sale, and he could not under the new licensers republish or refurbish them as in 1681-2. The household at High Holborn was, we have seen, ruinous. Then began at seventy-two the courageous struggle for bread, which was sometimes relieved by the presents of anonymous admirers, and which at any rate kept him from descending to the levels his old antagonist Settle had reached. His fame made this profession of letters, despite the venality of the booksellers, on the whole not unsuccessful.

In a letter to Sir Nicholas, dated 5th October 1700¹, announcing the opening of the subscription lists for *Josephus*, he says people have been mightily concerned a long time to know how he lived, some maintaining that he has an estate of his own, others that he is supported by his relations. He speaks with a due acknowledgment to Sir Nicholas for many charitable offices, but he has no settlements or annuities. Finally 'I have received very considerable presents from divers persons, not so much as known to me by their names as a reward for my goodwill to the publique'², but after all this, my pen has been my chief support'.

It may be desirable to preface an account of L'Estrange's works with a list of his essays in Translation³. These are as nearly as we can state:

1. *The Visions of Dom Francisco de Quevedo Villegas, Knight of the Order of St James*, licensed 26th

¹ *H.M.C., App. vii. to 11th Report*, p. 113.

² So 12th September 1700, he acknowledges to Caryll (whom he suspects of the kindness) 'a glorious present of partridges. If you know the generous benefactor, give him my humble thanks'. *Add. MSS.*, 28237, f. 6.

³ This list should be compared with the excellent one given by Sir Sidney Lee (art. L'Estrange, *Dict. Nat. Biog.*) which though fairly accurate does not always give the first editions, omits the *Machiavel* and the *Apology for the French Protestants*, and confuses the 2nd part of the *Fables*, 1699, with the later edition of the 1692 *Æsop*. Nor does he mention the *Plantus* or state clearly L'Estrange's part in the *Tacitus*, which has been curiously obscured by all his biographers.

March 1667, published the same year, 6th edition, December 1678, price 6d.

2. *A Guide to Eternity*, Extracted out of the Writings of the Holy Fathers and Ancient Philosophers, by John Bona, 1672, 2nd edition, May 1680.
3. *Five Love-letters from a (Portuguese) Nun to a (French) Cavalier*, licensed 28th December 1677, published 1678, 2nd edition, 1693, a French and English 'second' edition 1693.

The authorship of *Five love-letters written by a Cavalier in Answer, etc.*, 1694, with a second edition 1701, where both appear together, is doubtful, as is also what Sir Sidney Lee rightly calls 'a disagreeable work', the *Love-letters between a Nobleman and his Sister, viz: F—d, Lord Gr—y of Werk, and the Lady Henrietta Berk-ley, by the author of the 'Letters from a Nun to a Cavalier' (1693; 2nd edition, 1734*¹.

4. *The Gentleman Pothecary, a True Story, Done out of the French*, 1678, 'a volume of curious indecency'—2nd edition by Curll, 1726.
5. *Seneca's Morals by way of Abstract*, December 1678; 2nd edition, 1680; 5th edition, 1693; 7th, 1722.
6. *Tully's Offices* in 3 books, May 1680. 6th edition revised by John Leng, Bishop of Norwich.
7. *Twenty Select Colloquies of Erasmus Roterodamus, pleasantly representing several superstitious Levities that were crept into the Church of Rome in his days*, November 1679; 2nd edition with two added, 1689, issued with Tom Browne's additional seven and *Life of Erasmus*, 1709.
8. *An Apology for the French Protestants, in four parts, Done out of French into English*, by Roger L'Estrange, May 1681².
9. *The Spanish Decameron or Ten Novels made English*, 1687, licensed 17th February 1686-7.

¹ The Bodleian Catalogue assigns them probably correctly to Aphra Behn whose initials (A. B.) are put to the *Amours of Philander and Silvia*, being the second and last part of the *Love-letters between a Nobleman and his Sister* (1693). See App. i., Doubtful Works.

² First advertised in *Observer*, i., 42, 13th August 1681. Original unknown.

10. Besides these pre - Revolution works there was, probably begun in 1680, a translation of Don Alonso de Castillo Sovercano's (Castillo Solorzano) called (in Curll's 1717 edition) *The Spanish Polecat* or the *Adventures of Seniors Ruefina*, in four books, being a detection of the Artifices used by such of the Fair Sex as are more at the Purses than the Hearts of their Admirers. Completed by Ozell 1717, and re-issued 1727 as *Spanish Amusements*.

To the period when he most certainly 'wrote for bread' belong:—

11. *Fables of Æsop and Other Eminent Mythologists*, by Sir Roger L'Estrange, Kt., 1691, fol. with portrait, 'the most extensive collection of Fables in existence' (Sir Sidney Lee). 2nd edition, 1694; others 1699, 1704, 1712, 1724; a French edition, 1714, and a Russian, 1760.
12. *The Third Book of Tacitus' Histories*, 1694.
13. *Terence, Six Comedies* (in collaboration with Eachard), 1694.
14. He may have been 'one of the hands' in the translation of three of *Plautus' Comedies*, 1694-6.
15. *Fables Moralised, being a Second Part of Æsop's Fables*, 1699.
16. *Josephus—The Works of Flavius Josephus compared with the original Greek*, 1702.

Besides these are one or two other scraps, a single sheet entitled *Machiavel's Advice to his Son, newly Translated out of the Italian into English verse by R. L.*, and *A Key to Hudibras* printed in Butler's *Posthumous Works* (1715), vol. ii., L'Estrange's authorship vouched for by 'the learned Dr Midgely'. Lastly he wrote the Preface to Fairfax's Translation of Tasso's *Gerusalemme Liberata*, 1687.

It will be seen from this list that our author did not confine himself to classical translations, but that he was an important member of the group of 'hackney-writers' who were attempting to familiarise England with the choicer delicacies of Continental *Belles Lettres*¹. It

¹ Sir Sidney Lee (*op. cit.*) censures him for this branch of his works. But his age demanded them and very little of his share can be described as scandalous, viz.:—*The Gentleman Pothevory*, and *The Spanish Polecat* in part. *The Love-letters of Ford, Lord Grey*, we do not take to be his.

should also be said that with L'Estrange, the seeming candour of the task is discounted either by a deliberate political choice of the work to be translated, or by a strong, often ludicrous, bias in the performance, especially in those belonging to the earlier period. So that we may divide his labours of this sort strictly into works which were purely bookseller's projects, and those in which 'twixt jest and earnest' he indulged the humours and spite of party which could not well be openly expressed. Thus it is that our earliest accepted *Æsop*, which still finds its editors, owed much of its salt to James II.'s abuse of his Dispensing Power, and Seneca appeared in English garb to rebuke the tumult of the Popish Plot crisis. Even the work of the gentle Bona was made to express the disgust of a disappointed courtier at a turn of English politics. Erasmus' *Colloquies* were in Brome's lists described as 'against Popery', when L'Estrange desired to defend himself against the charge of being 'popishly-affected'.

The translations need not, of course, suffer on that account. We find that he did best those things which spite or spleen dictated, and the modern reader who still wonders at the extraordinary vigour of some of his passages when compared with the original, must thank the human passion (which his originals deprecated) for this pleasing quality. The mind of L'Estrange was polemical, not scholarly, and therein as a translator he was happy in his age.

The question of his equipment as a translator was not so serious then as it would be in a modern writer¹. It was regarded as a good boast that an author had rather written a new work, than a faithful translation, and Dryden, relying on a dubious line of Horace², may be regarded as having leant his authority to his view. It is true Bentley warred against these loose notions, and the new century

¹ 'The qualification of a translator worth reading, must be a mastery of the language he translates out of, and that of the language he translates into, but if a deficiency be to be allowed in either, it is in the original'. Dryden, Preface to *Life of Lucian* (Malone's 1800 ed., iii., 388).

² Preface to *Œdip's Epistles*, *ibid.*, p. 15. 'Nec verbum verbo curabis reddere, fidus interpres', 'Nor word for word too faithfully translate' in Roscommon's much applauded version. So Sir John Denham to Fanshawe on his translation of *Pastor Fido*,

'That servile path thou nobly must decline,
Of tracing word by word, and line by line'.

Tytler (*Essay on the Principles of Translation*, 3rd edit., 1813, p. 264) censures Denham for this advocacy.

opened with a protest from Sir Edward Sherburne, prefixed to his translation of three of Seneca's tragedies, 1702¹. But Dryden's authority, affirming that of Denham and Fanshawe, naturally prevailed over the close translation, and what Tom Browne called the 'ridiculous affectation of antiquity'. Nor can we blame the taste of the day, which looked back to the race of 'servile copiers', to Ben Jonson, Feltham, Sandys, and Savile, men who, according to Dr Johnson, by creeping after the Latin idiom and diction did nothing for the language. Cowley was one of the first who saw a better way, who 'left his authors,' and by adopting a greater freedom was able to preserve the English idiom. 'It was reserved for Dryden . . . to give us just rules and examples of translation', says Johnson. The translator 'is to exhibit his author's thought in such a dress of diction as the author would have given him, had his language been English'.

It is unfortunate that this reaction from the earlier 'verbum verbo' school of Johnson and Sandys, involved more than a freedom in the turning of phrases according to the genius of the different tongues. In Dryden to some extent², in L'Estrange, Eachard, Spence, Phillips, and Tom Browne³ to a much greater degree, it involved two things more, the utmost license of diction and the *accommodation of manners* to suit modern notions. So that Rome of the third century B.C. became London of the seventeenth century, and Vitellius is to swagger and bully like Captain Otter.

In France, needless to say, the same phase had appeared, but whilst Roman heroes masqueraded as courtiers at

¹ Johnson (Dryden, *Arnold's Six Chief Lives*, p. 181), Sir Ed. Sherburne, 'a man whose learning was greater than his powers of poetry, and who being better qualified to give the meaning than the spirit of Seneca, has introduced his version of Three Tragedies by a defence of close translation. The authority of Horace which the new translators cited in defence of their practice ("Nec verbum verbo", etc.) he has by a judicious explanation taken fairly from them; but reason wants not Horace to support it'. Johnson is scarcely right in taking Sherburne to be the only objector.

² 'Dryden though a great and undisputed genius, had the same cast as L'Estrange. Even his plays discover him to be a party man and the same principle infects his style in other respects', Johnson, *Lit. Mag.* (1758), p. 197. T. Gordon (*Preface to his Tacitus*, 1728) imputes to Dryden's translations not coarseness, but the contrary French defect of 'faintness and circumlocation'. Hallam says of his Virgil (Introduction to the *Literature of Europe* (1883), p. 790): 'The style is often almost studiously and as it were spitefully vulgar'.

³ See, for example, his excellent *Life of Erasmus* prefixed to his version of the *Colloquies* (1699), where he disclaims 'a ridiculous affectation of antiquity' and calls Scaliger, the elder, 'Bentley's hero', the 'prince of pedants'. This *Life* presents very well the late seventeenth-century view of translation.

Versailles¹, we do not find the same license taken with the language, which was afterwards held to disgrace the English School of translators. The genius of Madame Dacier, the exquisite lingual precision of La Fontaine almost in a day rescued French translation from such crudities, and set it in a shining place. So that whilst Johnson was able to say later of our poetical translations of the ancients, that it was 'a work which the French seem to relinquish in despair, and which we were long unable to perform with dexterity,' we must take it that despite a good recovery in the early half of the eighteenth century, English translation both in prose and verse was in the last decade of the seventeenth century far behind the French in precision and elegance, and what is more, scholarliness, a term scarcely understood in England. Speaking of this period, M. Bellanger² has said of the two schools in France—what very well describes the English schools too—'Nous avons vu les primitifs (traducteurs) défigurer l'antiquité pour nous empêcher de la reconnaître. Nous allons voir les nouveaux traducteurs la défigurer à leur tour, sous le prétexte de l'embellir. Ceux-là nous la cachaient sous un vêtement épais et lourd; ceux-ci jetteront sur elle une sorte de voile destiné à en dissimuler pudiquement les nudités et à en noyer les contours dans un nuage. La simplicité naïve s'est enfuie, elle a cédé le pas à l'elegance raffinée et délicate'. The Abbé Persin, for example, boasts himself in his translation of Virgil to be 'le premier à vous le (*Æneas*) montrer sous l'habit d'un cavalier français et avec le pompe des plumes et du clinquant'. 'Mais nous voici enfin', continues Bellanger, 'en la présence de l'une des gloires les plus incontestées de la nation des traducteurs, de l'écrivain qui malgré de grèves imperfections domine tout cet âge par la superiorité de ses talents. Je veux parler de Madame Dacier'. Yet though the L'Estrange - Eachard Terence and Plautus were based and almost copied from the versions of 'the French lady', no trace of her elegance appears in their work, and indeed no English translations are more deformed by the faults alluded to above³. To 'give it a lift' in L'Estrange's refined language; was their object, and

¹ See J. J. Jusserand's edition of *Tom Browne's Scarron* (2 vols., 1892), Introduction, p. liii., where he refers to Dryden's (!) *Scarron* (1692) as full of the most humorous accommodations and coarseness.

² Bellanger (Justin), *Histoire de la Traduction en France*, pp. 29 and 45.

³ See Tytler, *op. cit.*, chap. iv.

labouring under the notion which Dryden admitted of 'the inferiority of our language', they too often attempted to do so by sheer coarseness of phrase. 'I have endeavoured', said Dryden, 'to make Virgil speak such English as he would himself have spoken, if he had been born in England, *and in this present age*', a boast he repeated in his Epistle to Dorset (1693) *On the Origin and Progress of Satire*¹. But in the same essay he excuses the accommodation of manners. 'If sometimes any of us (and it is but seldom) make him (Juvenal) express the customs and manners of our native country, rather than of Rome, it is, either when there was some kind of analogy betwixt their customs and ours, or when to make him more easy to vulgar understandings, we gave him those manners, which are familiar to us. But I defend not this innovation, it is enough if I can excuse it'. Malone's note 'To attempt to defend this kind of innovation would indeed shew great want of judgment' expresses the verdict of a later age on a practice which L'Estrange made peculiarly his own². That Dryden sinned with Phillips and Browne and L'Estrange both in the so-called coarseness and the passion for modernising everything, is painfully evident from the translation of Scarron of 1692, supposed to be his, and the *Tacitus* (1694) in which, with L'Estrange, he bore a hand.

Whilst the style which L'Estrange and his imitators (among whom we may class Dryden) recommended to their age as a genuine English style, made the elegant but 'unsinewed' French appear pale by contrast, and whilst its practitioners were constantly styled 'masters of the English tongue', it must not be thought that there were no dissentient voices. But criticism was at first, and so long as L'Estrange lived, directed to such gross cases as that of Phillips³ or Ferrand Spence, whose *Lucian* drew

¹ Malone's ed., iii., 222.

² Yet such a precisian as Felton (*Dissertation on Reading the Classics*, 1713) would excuse the practice, so long as only the actors and not the customs were changed.

³ The *Terence* can only be matched in its eccentricities by Phillips' *Don Quixote* (1687). 'When he (Phillips) professes to give us *Don Quixote* "made English according to the humour of our modern language"', he understands this phrase with a fulness of interpretation that is perfectly astonishing . . . the allusions are always in the style of low and vulgar English'. Yet, as we might say of L'Estrange, 'his buffoonery is always vigorous and eloquent'—Godwin (*Lives of Ed. and John Phillips* (1815), p. 253). As L'Estrange introduces Livewell Chapman in his *Quevedo*, so Dangerfield of 'Plot' fame, finds his place as the ring-leader of the band of convicted thieves in *Don Quixote*. Apropos of the general sterility in original compositions remarked by Hallam and so observable in L'Estrange,

Dryden's fire (himself not free from the vice). Whilst declaring against the system of metaphrase, the latter adds: 'I would not be understood that (the translator) should be at liberty to give such a turn as Mr Spence has in some of his, where for the fine raillery and attic salt of *Lucian*, we find the gross expressions of Billingsgate or Moorfields and Bartholomew Fair'. The surprising thing is that such criticism was not immediately recognised as true of large parts of his own and L'Estrange's works, and especially of the portion of *Tacitus* which, along with L'Estrange and another, he translated for Gillyflower in this very year.

A consciousness of hidden strength, an admission of present inferiority to the French both in language and style, a desire above all to enliven and modernise whatever they touched, are the characteristics of these English translators. They were not lacking in self-knowledge. They admitted with too much humility not only the 'inferiority', but the 'poverty' of their tongue, and as a result of the feverish admiration for all things French which characterised the last decade of the century, they hoped to transplant the Academy¹, and thus tame the uncouthness of their tongue. Faintness and periphrasis (as in the case of Madame Dacier) are the acknowledged faults of French. English only wants pruning to make it superior, as it already is in vigour and—thanks to the early Elizabethan translators²—simplicity. They are quite aware (though they sin much here) that the coining of new words and phrases is to be deprecated except by acknowledged masters, and then sparingly. Otherwise the practice savours of affectation³. It followed that in

Godwin (*ibid.*, p. 225) expresses wonder that such a droll as Phillips should in his *Crape-Gamborum* limit himself to an imitation of Eachard's (1670) *Contempt of the Clergy*. Yet we see L'Estrange's reflexion on such plagiarists in Fable xxxiii., *Æsop*, 1692.

¹ See *Gentleman's Journal* (1692-3), ii., 18-20. On the French Academy—a project defeated says Johnson by the squabbles of Whig and Tory. *Id. Mag.* (1758), p. 198.

² Johnson (*ibid.*, p. 152) of the translations of Philemon Holland, etc. 'It is inconceivable of what service his performances were to the English language'. So Godwin, *op. cit.*, p. 241.

³ Dryden does not exclude new words, 'I trade both with the living and the dead for the enrichment of our native language'. But 'we have enough in England to supply our necessity . . . every man is not fit to innovate' (*Discourse on Epic Poetry*, Malone's *Dryden*, iii., 545). Gordon (Intro. to *Tacitus*, p. 33): 'I wanted new words, but have rarely coined any as the creating of words is generally thought affected and foppish. Yet I have sometimes ventured upon a new phrase'. The French craze was, of course responsible for many of these 'fopperies'. See Aphra Behn's ridiculous *Essay on Translated Prose*, prefixed to her version of Fontenelle's *Theory of New Worlds Inhabited*, etc., p. 4: 'It

English translation, fidelity to the original was not the first thing thought of. The aim was rather to present a new work, largely quarried from the ancients, but thoroughly English in dress and language. 'It has rather the air of an original than a translation' is their boast, and 'a mastery in the sense and spirit of his author and in his own language a style and happiness of expression' are the translator's qualities. When we add that a special license to wander round the phrase was permitted to the gentleman translator¹, as opposed to the mean 'hackney-writer', and that in the interests of a true English style, we begin to understand the vast vogue of L'Estrange's works, and how natural that in the eighteenth century reaction (especially where the malice of politics entered) critics should fall foul of the most shining example of this kind of vernacular translation. Another cycle of criticism brings a strange revolution in taste, and from Granger's dictum, 'He was one of the greatest corrupters of the English Language', to Professor Earle's latest appreciation, there stretches the whole gamut of literary values.

The gust for the mere *matter* of foreign authors encouraged writers to hurry into English dress anything which bore that stamp, and the booksellers, who were the publishers, recked little if the versions were faithful (or even if they had an original), so long as it was the right stuff and could be dealt out to an eager public as from the French, Spanish, Italian, or Portuguese². Thoroughly uncritical truly, but nutrition, not criticism, was the demand. The home market, as Hallam points out was unproductive³, save for one or two trifles. Yet we are on the eve of as fine a critical outburst as our literature

is modish to ape the French in everything, therefore we not only naturalise their words, but words they steal from other languages! . . . If one endeavours to make it English standard, *it is no translation*'. Therefore she has done what Dryden deprecated, 'kept as near his words as possible' and excuses the use of 'the Latin word *axis*, which is *axle-tree* in English'.

¹ Dryden, *Life of Lucian*, Malone, iii., 388.

² The name of bookseller was as odious as when Wither wrote his *Scholar's Purgatory*, and for the same reasons. Dryden, *ibid.*, p. 387: 'The booksellers are the undertakers of works of this nature and they are persons more devoted to their own gain than the public honour. They are parsimonious in rewarding the wretched scribblers they employ, and care not how the business is done, so that it be but done'. So it was with his own *Tacitus* and *Scarron*.

³ *Lit. of Europe* (1882), p. 828: 'The scarcity of original fiction in England was so great as to be inexplicable by any reasoning. The public taste was not incapable of being pleased, for all the novels and romances of the continent were readily translated'.

can boast. On the whole it cannot be regretted that at the expense of considerable looseness, English translation became the courting ground for a new and vigorous language at a time when nothing was secure, and when outside the drama and the pulpit nothing native was being produced. In L'Estrange we see these merits and defects exaggerated. To get to the matter of his author, to moralise it, 'give it a lift' is his object. Contemporary (which largely meant French) research then beginning interested him little. Hence what we would regard to-day as the most impudent plagiarism is openly vaunted, and hence also his vast popularity. Not on the cold fruits of scholarship, not on the sinewless elegance of the French, but on a bold and often ignorant seizure of whatever seemed to suit the English palate, his success depended. The greatest booksellers kept him in commission long years for the sake of his name. A man of his age and not a day beyond it.

To turn now to the translations themselves, we must repeat that in the earliest, the *Quevedo* 1668, the political and even personal element is supreme, and those who desire the very best instance of the type of translation 'excused' but not 'defended' by Dryden, and on the whole a wonderful piece of English writing, cannot do better than read this work. As has been said, it was written and licensed in the year of his greatest neglect, when he had been ousted from the *Newsbook* by the meanest intrigue in which a Minister had not disdained to take a part, when sickness oppressed him, and before secretarial penitence (and alarm) took the form of a pension. A more than fanciful resemblance in his fate to that of the author Dom Francisco de Quevedo is observable. The same versatility, rewarded by the same ingratitude, four years imprisonment, with want and solitude, oppressed by a great man, are features of the resemblance. The same savage outlook on all orders of men and women inspired L'Estrange to write a preface which, in sheer rudeness and acid, rivals his Foreword to the *Newsbook* and it alone. His object was 'pure spite, for the author has had hard measure among the physicians, the lawyers, the women, etc., and Dom Francisco de Quevedo in English revenges him upon all his enemies'.

The 'bold additions and frequent accommodation of its

jests to the scandal and taste of the times'¹, to which the historian of Spanish Literature ascribed its success, however they may have shocked the precisians of the eighteenth century, are of the same daring and successful flight. The *Sixth Vision*, for example, provided the discarded Surveyor with an opportunity of inveighing against the bookselling fraternity, and of these Livewell Chapman had the distinction to be dragged into posthumous fame.

'I passed forward thence into a little dark alley where it made me start to hear one call me by name, and with much ado I perceived a fellow there all wrapt up in smoke and flame. "Alas, sir", says he, "have you forgotten your old bookseller in Popes-Head Alley?" "I cry you mercy, good Livewell", quoth I. "What, art thou here"? "Yes, sir", says he, "'tis e'en too true. I never dreamt it would come to this". He thought I must needs pity him, when I knew him, but truly I reflected rather upon the justice of his punishment. For in a word, his shop was the very mint of heresy, schism, and sedition. I put on a face of compassion, however, to give a little ease, which he took hold of and vented his complaint. "Well, sir", says he, "I would my father had made me a hangman when he made me a stationer, for we are called to account for other men's works as well as for our own. And one thing that's cast in our dish, is the selling of translations so dog cheap that every sot knows now as much as would formerly have made a passable doctor, and every nasty groom and roquey lackey is grown as familiar with Homer, Virgil, and Ovid, as if 'twere Robin, the Devil, the Seven Champions, or a piece of George Wither". He would have talked on if a devil had not stopped his mouth with a whiff from a roll of his own papers and choked him with the smoke of

¹ Ticknor, *Hist. of Spanish Literature*, ii., 325-6 and 339: 'The *Visions* were translated into French by Genest and printed 1641. Into English they were freely rendered by Roger L'Estrange and published 1668 with such success that the 10th edition was printed at London in 1708 and I believe there was yet one more. This is the basis of the Translation of the *Visions* in the Edinburgh ed. 1798, vol. i., and Roscoe's *Novelists* (1832), vol. ii. All the translations I have seen are bad. The best is that of L'Estrange or at least the most spirited. L'Estrange is not very faithful, where he knew the meaning and he is sometimes unfaithful from ignorance'. Mr H. C. Lea reviewing Reusch's *Index der Verbotenen Bücher* (1883), p. 5, remarks (*Eng. Hist. Rev.*, iv., 83): 'No reference to F. de Quevedo whose works furnish an interesting bit of literary History. In Sotomayor's *Index* of 1640, p. 425, there is a curious entry permitting his works of edification and suppressing all the rest—the *Suenos* (Visions), the *Bascon*, the *Discurso de todos los Diablos*, by which he is best known to modern readers', and this by his own request!

it—but I went away saying this to myself: If the book-seller be thus criminal, what will become of the author!’

Needless to say *Quercus* is improved out of recognition here, but Tyburn, Newgate, ‘Falstaff’s hostess’ are the merest trifles of the transformation¹.

The *Manuductio ad Caelum* or *Guide to Eternity* of the Cistercian Father Bona, had a remarkable vogue before L’Estrange tried his hand at it in 1672, and consciously attempted to rebuke the intemperance of English politics². In the same spirit some six years later he finished a more ambitious work which went into many editions before and after the Revolution, and by which—next after his *Æsop*—he was known to his generation. In this *Seneca’s Morals Abstracted*, more than any other of his translations, we see the workings of his distempered mind both in the text—which, like Lodge’s old version of 1614, is a digest rather than a translation³—in the *To the Reader*, and in the subsequently added *Afterthought*. The ‘Divine Pagan’ had traits of character which appealed to L’Estrange in an age of ‘Ranters’ and ‘Adamites’, and that calm acquiescence—not even with *preces et lachrymæ*—with which the philosopher received his Prince’s order to die, the contempt of the rabble and insistence on the generous private side of life, made it a veritable treasury of rebuke for the wild men of the Faction, no less than ‘a system of good councils and of good manners’.

‘If it were written up to the original’, says Roger, ‘it would be one of the most valuable presents that ever any private man bestowed upon the public. As to the timing of it, we are fallen into an age of vain philosophy (as the Holy Apostle calls it) and so desperately overgrown with drolls and sceptics, that there is hardly anything so certain or so sacred that is not exposed to question or contempt’.

¹ Dunton (*Post-Angel*, March 1702, p. 180) announces a New (Whig) *Quercus*, which revenged the Chapmans of L’Estrange’s version.

² A second edition appeared 1680, and the seventh in 1722. Thereafter the steady stream diminished. But Mr J. W. Stanbridge (*Library of Theodorum*, 1900) re-edited L’Estrange’s old version, with a tribute to the vigour and stimulation of his style. It is remarkable among his translations as being singularly faithful. Jas. Price a year after (1673) issued an edition, which only wanted L’Estrange’s force to make it excellent.

³ L’Estrange tried to anticipate criticism of this excessively free style—*To the Reader*: ‘It is Seneca, every thought and line on’t . . . but a little more in the bulk than the 3rd part of the original.’ ‘This ranging humour of his (Seneca’s) as Mr Hobbs expresses it’ is Roger’s excuse. But he hints at ‘somewhat still wanting towards the doing of full right to Seneca’ and promises to do it, if he have ‘day enough to go through with it’.

A few months before the Revolution, the fourth edition appeared with an *Afterthought* into which the author poured all the gall and bitterness of his discarded state. 'The world has not been altogether so kind of late to my politics as to my morals, and what's the meaning on't but that we live in an age that will better bear the image of what people ought to do, than the History of what they do'¹. He concludes with a remark which shows the prevalence of literary canvass at the Coffee-houses.

'The undertaker (of the translation), I fear, will find well nigh as much difficulty to preserve his own reputation in this attempt, as to do right to the author, especially when he is sure to have every coffeehouse set upon him like a court of justice and if he shall but happen to stumble upon any of the same figures or illustrations over again, if the supplement shall have so much as the least tincture of any that's done already, a common criminal for the basest sort of washing, clipping and coining, shall find better quarter'.

It is of some interest to note that between the third and fourth impressions appeared in Easter Term 1685, *Reflexions on Morality or Seneca Unmasked*, a boiled-down English version of Rochefoucauld's immensely popular *Maximes* by Mrs Aphra Behn. The putting of Seneca and La Rochefoucauld in opposition thoroughly suited an age which had so run to party that philosophy and divinity and even the labours of the Royal Society were made matter of political canvass.

Erasmus' *Colloquies*, in some respects his best translation, was the work of 1680, and appeared just after the great budget of Plot Narratives. L'Estrange's own *History of the Plot* was, it will be remembered, attacked not only by Care in his *Damnable Popish Plot*, but from the other side also in Castlemaine's sceptical *Compendium*. The fact that the latter had—after careful study—been unable to detect the sceptical design of L'Estrange's work, is a rather dubious commentary on Roger's claim to have been 'ever an infidel as to the Plot'. In any case it gave him a claim in publishing the *Colloquies* to represent himself as having been misunderstood and belaboured by both extremists—like Erasmus, a victim of moderation². So that again, as with the *Quevedo*, the *Bona*, and the *Seneca*, our translator is

¹ He had just issued his *History of the Times* (1687), which seems to have fallen flat, despite Mrs Behn's pean (1688).

² 'So that with Erasmus himself, he is crushed betwixt the two extremes'.
To the Reader.

able to identify himself in a peculiar way with his author. The *Colloquies* (against Popery) were written expressly to refute the charge of being popishly affected¹. But it was rather the contempt discovered in the *Colloquies* for vulgar opinion that gave them relish to the translator. The various appeal of the *Colloquies* is shown very well in the seventeenth-century English versions. Burton's old *Seven Dialogues* (1606) makes most of the worship of false gods. When Tom Browne in 1689 added seven dialogues to the twenty-two already given by L'Estrange, and prefixed to the whole volume a very good *Life of Erasmus*, it clearly appeared that the indecencies of which the latter was accused in his day, formed a main attraction for Browne. For the diction he pleaded that 'the language of dialogue ought to sit loose and free'. Lucian, the greatest master of this sort, was Erasmus' model. For the Latin maxims of the *Colloquies* which Browne, like L'Estrange, translates or rather paraphrases with the greatest freedom, he is ready to cross swords with the great Bentley 'who pretends that a man may cite them in his works without being guilty of pedantry'². To understand the vast difference not only in diction, but in the entire conception of translation between the early and the later seventeenth century, we cannot do better than compare Burton's by no means poor version of the first colloquy, the *Naufragium* (1606) with L'Estrange's energetic rendering of the same. If Heywood's excellent heroic verse translation (*Pleasant Dialogues*, etc., 1637) be added for the intervening period we can observe a remarkable process of evolution.

The *Cicero* published this year, is in no way remarkable, being quite straightforward, not too unfaithful (for L'Estrange), and also rather free from the usual L'Estrange 'fopperies'. It achieved four editions in his lifetime and the latest so recent as 1900. These works with the Spanish *contes* exhaust the first group of translations; written mostly as

¹ Chap. ix., 266. See *A Short Answer to a Whole Litter of Libellers* (1680). Harry Care is the 'doggerel' of the attack. 'If he gathers my itch of scribbling from my translations, 'tis an itch I presume that he is in no danger of. There's Tully and Seneca, a couple of Pagans that will stand fairer before the great tribunal than a million of calumniating and truly diabolical Christians. There's Bona's *Guide to Eternity* (a Manual of pious and excellent morality), why should that trouble him either? . . . as for Erasmus' *Colloquies* and Quevedo's *Visions*, they are not tart enough perhaps for his palate, for 'tis not the strength or moral of a satyr that pleases him, but the spite and venom of it, and in truth I have heard that he is much happier too in his libels that pass only in MSS. than in his printed ones'.

² Browne refers us to the preface to *Bentley's Answer to Boyle*, p. 87.

revenge or weariness of the age prompts him, they are the private reflections and solace of a busy spirit. It may seem rather a pity that our author with his unrivalled vigour, his delight in derision, and rude skill in detail which makes the satirical-humorous picture, had not the independent imagination to supply that hiatus in native literature noted by Hallam and others, but was forced to jeer at the Livewell Chapmans by a strain on another man's words.

Having remarked the excellence of the *Quevedo*, L'Estrange's other experiments in the *facetiae* class need not detain us long here. They are the doubtful *Five Letters from a Nun to a Cavalier* (1677), which appeared afterwards with the *Cavalier's Answers* (certainly not by L'Estrange), the *Gentleman Potheary* and *Spanish Decameron* in 1685. Besides, if we can trust Curll's advertisements, there was the *Spanish Polecat* described as begun by L'Estrange, which changed its name in 1726 to *Spanish Amusements*, the work of Castillo Solorzano. The 'shameless Curll', as we saw, came into possession of these copies, and in 1717, 1726 (when he was fined for publishing indecent works), and 1727-8 we find him tempting the public with wares bearing the name of L'Estrange¹. *The Five Letters*, etc., is of a different class, worth reading merely as a specimen of what was considered romance in these days. The *Spanish Decameron* is a more important work². Cervantes was, by 1680, fairly well-known in England, but more in connection with his romances which went by the name of *Exemplary Novels* than by his *Don Quixote*. Milton's nephew, John Phillips, had given a very loose and licentious version of the latter in 1687, but it was not till Motteux's 1697 edition appeared that *Don Quixote* can be said to be fairly on its way in English literature. Phillips, who was a pioneer in this sort, had also given in 1656 some Spanish stories, but the earlier *Exemplarie Novels* of James Mabbe of 1640³ has been long recognised

¹ 'Curll's chaste press' naturally selected that small portion of L'Estrange's versions to which Sir Sidney Lee's strictures reasonably apply. He produced the *Gentleman Potheary* (1726), and the following year *The Spanish Polecat* or *Spanish Amusements*.

² It is curious that Ticknor should have overlooked this English version of Cervantes' *Novelas Ejemplares*. (*Hist. of Spain*, Lit., ii., 144-5).

³ Godwin (*op. cit.*, p. 246), has extravagantly but excusably praised this version which was 'turned into English by Don Diego Pnede-ser, printed by John Dawson for R. M., 1640', addressed to 'the worthe Mrs Strangeways'. 1640 is also the year of the learned Savile's *Tacitus*. No contrast is more instructive than that afforded by these two translations. A close study of Mabbe's and L'Estrange's versions seems to show that Roger L'Estrange did not know the earlier version. The French translation of 1640 by F. de Rosset and the Sieur d'Audiguiet, was undoubtedly his original.

as one of the finest pieces of work in English translation, with all the quaintness natural to its date and yet of both accurate and charming narration. It was to supersede this version that L'Estrange wrote his *Spanish Decameron*, and indeed it is very hard to decide which is superior. It is not the best specimen of Roger's work, and it was not the kind which suited his audacity and 'fopperies', but set side by side with any of Phillips' or Ozell's essays in the same kind, it appears excellent.

It cannot be doubted that this school of translation, which included Tom Browne, D'Urfrey, Phillips, Savage, Spence, Ozell, and Head, scandalous as it often was, had a very great influence on English style, and we may claim that L'Estrange with his *Quevedo* in 1668 was like Phillips (but with vastly more influence), a pioneer¹.

When we pass to the Post-Revolution works we are at once in a new world, where L'Estrange was definitely in the pay of the booksellers. The last decade of this century shows the greatest activity in the most formidable class of translations, no longer undertaken by obscure individuals, but 'let out' by conclaves of the great booksellers to men whose names commanded most respect in the world of letters. That of L'Estrange was a definite asset in such work. He began now, on the score of his non-political work, to be talked of as the 'celebrated Sir Roger', 'the prince of translators', and Dryden was no more the patriarch of poets than L'Estrange the patriarch of English translation and a referee in all points of taste in prose².

Always a preacher, and now on the shore of time, his active mind looked to the new generation, which might be wooed from the errors and violence of their fathers, and the scheme of manners brought back to its old-time severity. In his mind this meant only one thing—obedience and respect to governors, with the inculcation of the social virtues and goodfellowship, 'all that's human and conversible in life',—a noble aim, but over-looking the quality of stubborn Whiggery in the human mind. The project of an *Æsop*

¹ Godwin, (*op. cit.*, p. 253) has not spared Phillips' *Don Quixote* for the faults for which L'Estrange stands as the type. 'He loved to revel in the slang of the vulgar tongue. The liberties taken by him exceed upon the whole those of any translation I ever saw'.

² So Caryll commissioned him in 1700 'to see that the English (of his version of St Evremond's *Memoires*) should be proper and the story intelligible in the telling'. L'Estrange to Caryll, 15th September 1700, *Add. MSS.*, 28237, f. 8.

broached to him by three great booksellers appealed powerfully to his mind. By a 'sidewind of a lecture from the fields' Æsop would mollify their crass minds. Later on Terence would re-introduce urbanity and the pleasing trickery of comedy. An honoured place was to be given in the schools to the study not only of the old pedantries, but of manners. *Non verbum, sed res*. Lilly might be banished and L'Estrange introduced.

L'Estrange in the character of an educationist is something of a novelty, and the pretension afforded his enemies an opportunity to jeer, which was indulged many years after his death. Since, however, the author insisted on the pedagogic value of his work on Æsop, it may be worth while enquiring into the system then in vogue in the schools.

Sir Roger's ideas are broadly those which Locke discoursed to the Countess Shaftesbury. The childmind is *tabula rasa*, 'blank-paper reading indifferently for any impression good or bad (for they take all upon credit), and it is much in the power of the first comer to write saint or devil upon't'. Again, 'While the memory is firm and the judgment weak, it is the director's part to judge for the pupil and it is the disciple's to remember for himself'.

'Ill train or Habit' is, as with Locke, all-important. It is 'the kernel, not the shell', the thing not the word, the example not the precept, we seek. These are in brief Locke's contribution to Education and L'Estrange in some measure anticipated him.

'This rhapsody of Fables is a book universally read and taught in all our schools; but almost at such a rate as we teach pyes and parrots that pronounce the words without so much as guessing the meaning of them; or to take it another way, the boys break their teeth upon the shells, without ever coming near the kernel. They learn the Fables by lessons, and the moral is the least part of our care in a child's instructions. . . . To supply this defect now, we have had several English paraphrases and Essays upon Æsop and divers of his followers both-in prose and verse; the latter have perchance ventured a little too far from the precise scope of the author upon the privilege of a poetical license; and for the others of ancient date, the morals are so insipid and flat, and the style and diction of the Fables so coarse and uncouth that they are rather dangerous than profitable'.

How far Roger really expected that his huge folio would find its way into the schoolroom, it is difficult to say. But from both the Preface to the 1692 edition and the second collection of 1699, we gather that he had hopes of displacing the 'pedantries and fopperies' of verbal learning, by his *Æsop*. The inclusion of Poggio's doubtful *facetia* in the latter, was certainly unfortunate from this point of view¹. The complaint which we now regard as perennial, that boys spend their best years stumbling through Lilly and a Latin dictionary, and that in the end they know neither Latin nor English, was then a somewhat novel proposition in England. It may have been true that the average English gentleman found difficulty in expressing himself, and that a futile fumbling with Lilly was the cause of it. Locke appears very strong on this point, and actually proposed that mothers should help themselves and their offspring through the classics (and Hebrew) with the aid of an interlineary translation, and himself published the first English *Æsop* in this manner.

But schoolmasters were conservative. The free translation, good enough perhaps for gentlemen readers, was outrageous for the schoolroom, while a literal rendering was pooh-poohed on the ground that the grain of Latin idiom ran so counter to English that such a translation could only produce the worst English, if not nonsense. Thus we reach Felton's disapproval of translations altogether, and Aphra Behn's complaints².

In the following generation John Clarke of Hull, the indefatigable educationist and translator, attempted an enlightened change. The real difficulty seems to have been the ignorance of schoolmasters, few of whom could be trusted with even a good *literal* translation. Clarke was captivated by the free and idiomatic translation which L'Estrange had made familiar, as a means of teaching gentlemen's sons the genius of the English tongue. He himself first introduced the Latin classics side by side with a literal translation, 'as literal as possible', and in such manner following L'Estrange's footsteps produced an *Æsop*, Erasmus' *Colloquies*, and a dozen other classics which ran through numerous editions.

¹ See p. 398.

² Aphra Behn's *Essay on Translated Prose*, quoted p. 384. 'If one endeavours to make it English standard, it is no translation'.

Without pretending that L'Estrange's versions could possibly have been of much service in the schoolroom, it may be claimed that he rescued translation from insipidity, and despite frequent rudeness he first dispelled the notion that the English language was incapable of carrying across the sense of the original in a style which, though far from a model, has much of the strength of the best English. Writers of his day thought that the new and improved style was destined to take the direction in which he pointed, and they scarcely noted the barbarities so observable to us. But purified of these, there remains the vigour and plenty of a true English style.

His *Æsop* had the honour of several imitators in prose and verse apart from the *Æsopic* skits referred to already. From the preface of one of these—that of E. Stacey 1717—we learn how the idea of translating *Æsop* first occurred to the worthy knight, and how the performances of La Fontaine reacted on England. 'Twill be needless', says this encomiast, 'for me, I presume, to detain you with encomiums upon Sir R. L'Estrange's *Morals and Reflexions*.

'After this great man', Stacey modestly continues, 'I will only add that they have a natural tendency to promote an inquiry into the cause and consequence of things.

'Though this be the first public appearance that these Fables have made in the shape they now bear¹, yet the design is of an older date and in some respect may be said to be derived from our author himself.

'Twas I think about 3 years before his first volume (*i.e.*, 1691-2) was published, when a proposal of this nature was upon the stocks. He then seemed to approve it, and was very zealous to have an experiment made which was accordingly done to his satisfaction, upon which he not only promised to promote the attempt, but was pleased at the same time to observe, that a poetical version of the Fables of *Æsop*, if the performance were tolerable would

¹ He means presumably the first verse L'Estrange, rather than the first verse *Æsop*. Even the former had been done in burlesque in *Æsop at the Bell Tavern*, (1711). In 1704 appeared an interlineary (English and Latin) prose *Æsop* (probably that of Locke referred to by Clarke). Then came the 4th edition of Roger L'Estrange's 1691 *Fables* and Baudoin's old 1631 edition Englished. The 2nd edition of Sir Roger's 1699 *Fables* appeared May 1708, and in November 1708 *Truth in Fiction or Morality in Masquerade*, a collection of 225 Fables of *Æsop* and other authors in English verse by Edmund Arwaker, chaplain to the Duke of Ormonde, to whom Dryden's *Fables* were dedicated (*See Arber's Term Catalogues* for these months).

recommend them exceedingly to the public, but then, said he, to carry this design through will require a great deal of pains, judgment and integrity. What pity, nay how scandalous is it then that they should not be put in better language and delivered for the future out of the talons of ignorant scribblers and poetasters. Nay, says he (Sir Roger), 'tis a sort of blemish upon our conduct, and throws a slur upon the English language that it has been so long neglected.

'This was the doctrine this incomparable mythologist then preached. However, upon some particular reasons which are not at all material here, this design was laid aside, and there was no more heard of it till it was revived by a fresh rumour that Sir Roger L'Estrange had been prevailed with to take the sole management of these Fables upon himself. Some time after, his first volume came out, and as it was the most correct performance of this kind that ever was in our own or perhaps in any other language, so it soon obtained a general approbation and gave an additional lustre to the character of that great man. 'Tis needless to trouble the reader with collateral encomiums upon a work that has been so universally esteemed. I will only take upon me to add that the *Reflexions which are the only part of the book which he can properly call his own*, are writ with such exquisite judgment, so well adapted to the design of the Fables and in such a beautiful and correct style, that in many instances they exceed his Seneca. . . . His periods are full and comprehensive and a *native elegance and purity of language* shines through 'em all'.

Before referring to 'the only part of the book, which he can call his own' it may be desirable to enquire what editions of Æsop existed, when, in the Revolution year, a conclave of booksellers approached L'Estrange.

Sir Roger, Locke, Clarke, and others referred with distaste to the school Æsop, and we have seen that all three hastened to mend matters. The Æsop 'in usum Scholæ Atonensis' was a duodecimo 'Mythologia Æsopica', the Greek and Latin side by side, and containing 297 Fables by Æsop, Babrias, etc., *secundum editionem Neveleti*. There was also the common school book *Æsopi Phrygis Fabulæ, una cum nonnullis variorum auctorum Fabulis adjectis* (383 Fables). The latter Sir Roger had particularly in mind.

Since 1670, there had been quite a cult of Æsop by the

'ignorant scribblers and poetasters', among which John Ogilby's 1673 *Fables paraphrased in English verse* was regarded with some favour, till its author passed into the eternal shades of the Dunciad¹.

On the prose side there was in 1670 a remarkable little version 'with morals in prose and verse' which by 1695 had achieved thirteen editions. In 1672 a similar but larger volume with one hundred and ten sculptures appeared, and finally in 1676 'in twelves' and for the modest sum of 2s., *The Fables of Æsop with all his Life and Fortune. How he was subtle, wise, and born in Greece; he was of all men the most deformed and evil-shapen, etc., whereunto are added the Fables of Avian, and also the Fables of Alphonso, with the Fables of Poge the Florentine.*

These were the Æsops when Sir Roger is reported to have expressed his disgust with English Fables, and no doubt his disgust was justified. Before his ponderous folio appeared, two rather serviceable editions appeared—that of Philip Ayres 1690, and Nat Crouch's little non-Æsopic Fable book, issued with a second part 1695, which went into many editions.

The editions of Sir Roger's *Æsop* are of the first part 1692, 1694, 1704, 1712, etc.; of the second part published in 1699, there was a second impression called in 1708. Thereafter it lost ground. In 1704 Baudoin who stands to the French *Æsop* in the same relation as L'Estrange to the English, was Englished, and ten years later with numerous editorial compliments the version of 'Le Chevalier L'Estrange' was translated into French for the instruction of a nobleman's children².

If—as Stacey suggests—L'Estrange thought of himself as a rival to La Fontaine, it could only be a momentary weakness, and he rightly decided to measure swords with the greatest of French prose mythologists, with Baudoin, whose old 1631 version, with morals, was, and should be still, a work of infinite delight³. In Baudoin's case it was true to some extent also that 'the only part of the book

¹ Tom Browne's *Letters from the Living to the Dead* (1702), p. 22, refers to 'Bentley making Æsop out to be a fine-looking fellow. No, no, replies Mr Nokes, Æsop is just such a crumpled, hump-shouldered dog for all the world, as you see him before Ogilby's Translation of his fables'. He might have added as he appears in Baudoin and L'Estrange.

² *Les Fables D'Esop et de plusieurs autres excellens Mythologistes, accompagnées du sens moral et des réflexions de Mons. le Chevalier L'Estrange*, 1714.

³ Other editions of Baudoin followed in 1660 (116 Fables), 1669, and 1680. No doubt L'Estrange used the last of these.

that could be called his own' was the *Reflexions* or *Discourses*. When L'Estrange and Baudoin changed countries in 1704 and 1714, it was with a curious difference which illustrates a trait of national character. Sir Roger 'took the French air' with his extraordinary *Reflexions* and *Morals* solely adapted to the noisy theatre of English politics¹, but the English Baudoin assumes not only the tongue but the politics and religion of its adopted country, and its charming classical allusions are rendered back into Latin by the English translator, while a magnanimous story of William III. and 'our Sir Wm. Temple' adorns this version.

No comparison of '*Reflexions*' can be more instructive and consonant to the genius of the two peoples than those of Baudoin and L'Estrange, the former adorned with all the graces of classical allusion, and void of party malice, L'Estrange labouring out the party wisdom of the stormiest half century of English politics. He is not, however, absolutely devoid of literature and history, and makes up for the Frenchman's grace by a rude wit, and the shrewd vernacular both of language and manners, which make his *Æsop* eternally fresh.

We cannot enter here into those numerous examples of perverted politics which mar L'Estrange's version and may have called for a caution by the Government. A simple inversion of the moral of the story is his method where *Jure Divino* is in question, as for example in *The Frogs Chase a King* (No. XIX. in L'Estrange, 1692). Other writers noticed—some with favour—his frequent lashing out at the Trimmers. No better relic of Filmerism, it would be safe to say, has survived² than this 'most extensive collection of Fables

¹ With, however, his vigorous or eccentric idioms, as 'to chop logic', 'Master and Wardens of the Foxes Company', etc., smoothed out into reasonable French.

² De la Crose (*Works of the Learned*, January 1691-2) quotes several of the anti-Trimming morals, evidently with approval. Thos. Gordon (Introduction to his *Tacitus*, 1728): 'To put his books into the hands of youth or boys, for whom chiefly *Æsop* by him burlesqued was designed, is to vitiate their taste and to give them a poor low turn of thinking, not to mention the vile and slavish principles of the man . . . out of the mouths of animals inured to the boundless freedom of air and deserts, he has drawn doctrines of servitude and a defence of Tyranny'. A much later writer (in *Notes and queries*, 2nd series, iii., 281) says: 'The old folio of Sir Roger L'Estrange fills up pleasantly some of the vacant intervals or ends of time. Sir Roger's taste for proverbial philosophy and his homely yet vigorous and idiomatic English as well as shrewd sense render him so far fit for the task he has undertaken . . . I often wish that some one with requisite taste and learning would bring out a choice selection of Fables . . . with the different applications made'. The writer then proceeds to censure Roger's extraordinary *Morals*, quoting Trench (*Parables of our Lord*) for a condemnation of the general glorification of cunning in the *Æsopic* and *Reineke Fuchs* Fable. But L'Estrange's error is generally the opposite of the pliancy of the reed in *Le Chêne et les roseaux*. The rigour of the oak pleased him better.

in existence'. As to the *Life of Æsop* which Roger prefixed to his Fables, it is copied from Baudoin, and accepts the story of the monk Planudes and of Camerarius without hesitation, with all the particulars of Æsop's deformity. La Fontaine of course preserves the same tradition. Although in the 1704 English Baudoin, Meziriac's *Life* replaced the Planudes version, in all the L'Estrange editions the old story remains, despite 'Bentley's slashing hook'¹. One of the most striking advances of La Fontaine is the variety of his sources, and the extension of the Fable to include almost any incident or *bon mot* which could bear a moral. Æsop, Abstemius, Babrias, Avianus, and Poggius² had supplied the old collections both in England and France, but La Fontaine quickly exhausted these, and in the editions of 1682 and 1685 avowed

'J'avais Esope quitté
Pour être tout à Boccace'.

Rabelais, Regnier, de Commynes and even Boileau and Madame de Sévigné repair the supply. Of the ancients, Horace, Pliny, Martial, and Livy contribute something. Of the 500 fables in the first L'Estrange Collection 201 were Æsopic, the rest drawn from the traditional fabulists.

The second part in 1699 is entirely derived from original sources. Besides a large number of Italian stories of Boccacini, Boccaccio, etc., stories in many cases difficult to trace, there are a number of English instances—generally true-Protestant quips and a host of marriage jests mingled with tales of Virgil, Alexander, and Augustus, in such a medley as to entitle us to claim this work as almost the sole English collection of *Contes*. In 1694 when a second edition of the *Æsop* was called for, L'Estrange's name appeared to two other translations and possibly he had a hand in a third. The L'Estrange-Eachard translation of Terence (six comedies) and of Plautus (three) was slavishly

¹ See his Remarks in T. Goodwin's 1705-8 ed., p. 454, in which he attacks Sir W. Temple's 'mighty commendation of the fables now extant' and the inventions of 'that idiot of a monk Planudes, which are not a bit better than our penny merriments printed at London Bridge'.

² For an excellent monograph on the later Fable, see Robinson Ellis's *Fables of Avianus*, Oxford, 1887. When L'Estrange wrote there was no commentary on Avian. The earliest is dated 1731. De la Crose might well wonder with Gordon (see p. 397) how Roger could include Poggius's indecent jests in a book intended for the school-room as well as for the study. For a study of the works of Poggius ('ce Voltaire Florentin') see Pierre des Brandes *Les Facéties de Poggio Florentin*. Erasmus had defended the lapses in his *Colloquies* on the ground that the objectors 'suffered Plautus and Poggius his jests to be read to their children'.

based on the fine French version of Madame Dacier of 1688. In France with the exception of P. R. Rebours's version of 1681, and the partial work of Lemaistre de Sacy, there had been no translation comparable in vogue to the old and excellent 1500 version. The contrary had been the case in England. The Latin text flourished in the schools with Erasmus, Cicero, and Seneca, whose tragedies had an immense vogue in the first half of the seventeenth century. The printing of these texts was, until the Restoration, in the hands of the Stationers, *impensis societatis Stationarum*. Thereafter the Press at Cambridge captured the *Terence*, while Oxford was engaged in her struggle with the Company for the printing of Bible stock. As to English versions, though the oldest English edition is nearly a hundred years after the French (1598), they were many and regular in the seventeenth century. If we compare the 1614 edition with Bernard's version of 1641, and that with Charles Hoole's in 1676, we are again reminded of the rapid changes in languages during this century. Hoole's version was in Latin and English, a very poor thing indeed, the property of the Stationers' Company, which seized on the English version, now that it had lost the Latin to Cambridge.

If any English writers were capable of entering the lists against Dacier to recover the Terentian laurel, Eachard's vapid style would disqualify him¹, and while L'Estrange could give a rude life to the version, it could only be by heightening the contrast with French elegance. Their performance deserves the censure so liberally poured forth in the next century. The strict homage which their version, like a rude wooer pays to 'the French lady', is part of the deference so general over the whole field of translation, that we must conclude that England's debt to France in this era was greater than is generally understood, and it was perhaps with reference to this class as well as to the drama, that Pope uttered his well-known admonition²,

'Your scene precariously subsists too long
On French Translation, and Italian song'.

When we come to criticism of L'Estrange's performances, nothing is more remarkable than what we might almost call the conspiracy of praise in his own day for an author

¹ Though even Tytler (*op. cit.*, p. 262) admits to his *Terence* and *Plautus* 'upon the whole much merit'.

² Prologue to Addison's *Cato*, 1713.

who in an another connection is rarely mentioned without a savage jeer. Whilst he lived he was elevated into a kind of Surveyorship of the English Language, and had the agitation for an Academy not been defeated by the wrangles of Whig and Tory, Sir Roger would doubtless have had his chair. Winstanley, the earliest of his critics, who wrote before the *Æsop*, *Terence*, or *Josephus* appeared, wonders that 'he should ever write so many (books) and those who have read them considering the skill and method they are written in will admire he should write so well. Nor is he less happy in verse than in prose, which for elegance of language and quickness of invention deservedly entitles him to the honour of a poet'¹. Fortunately our first critical journals, Motteux's *Gentleman's Journal* and De la Crose's *Works of the Learned* were started early enough to include a review of the *Æsop* and an anticipation of the *Terence*. 'Fables', says the former², 'have ever been valued by the ingenious. In France Mons. De la Fontaine esteemed inimitable in his way, hath revived them as much as that great master of our tongue, Sir Roger L'Estrange hath done lately among us; the prose of the last, and the verse of the first, being equally beautiful in their kind. We had been waiting for Sir Roger's *Æsop* with all the impatience imaginable, at last it hath seen the light and England may boast now of the best collection of Fables in the world'.

The learned La Crose while insisting on the educational value of the performance is quite as complimentary. 'It is the masterpiece of a man of parts to raise a common subject to the relish of ingenious palates. This Sir Roger has performed'. He then proceeds to 'give a taste of the author's politics', which he tacitly approves³.

The project of an English *Terence* following Madame Dacier and of an English *Tacitus* based on Sir Henry Savile's old 1640 edition, and those more recent of D'Ablancourt, and De la Houssaye, was hailed in Motteux's *Journal* in February and September 1693, respectively⁴.

¹ *Lives of Eminent Poets* (1687), p. 219. We might have included Mr Miles Prance among the earliest of L'Estrange's literary critics. See chap. xi., 344. Burnet (to whose view of the new prose Matthew Arnold defers so much in his preface to the *Six Chief Lives from Johnson*) refers merely to his 'unexhausted copiousness in writing'.

² January 1691-2, p. 23.

³ *Works of the Learned* (1692), p. 213.

⁴ Vol. ii., pp. 58 and 312.

The latter is promised at the hands of 'three persons of quality who are all such masters of English, that doubtless they will give us an excellent Translation of that difficult author, principally if we consider that the old English Tacitus, *though the language has been altered*, has been esteemed'. As to the *Terence* 'I hear that the same method (*i.e.* that employed by Dacier) is followed in the English version'.

In January 1694¹ the latter was received with faint praise. 'There was no tolerable version of them before. So this will doubtless be acceptable to those who cannot converse with that admirable author in the original'. In May we are informed that 'Terence's comedies, as lately Englished, have been so kindly received, that those who gave us that Translation have now published that of Plautus'. Gillyflower's *Tacitus* in four books appeared in 1694, shortly after the *Terence*, and Roger's name appeared to the third book of the *Histories*². Fortunately L'Estrange died in the echo of these pæans, and Dunton³ and Boyer continued the strain of eulogy⁴. His *Josephus* had added to his laurels which were to wither so quickly. The eighteenth century re-action against the free translation which he represented and Dryden encouraged, against the accommodation of manners which Dryden excused and Felton, Malone, and Tytler deplored, and against the use of vulgar or colloquial English in serious translations of which L'Estrange was the great master, swept him altogether out of the roll of reputable authors. His *Quevedo*, *Bona*, *Colloquies*, stood the new tests better, but his

¹ Motteux's *Journal*, iii., 27.

² L'Estrange's earlier biographers make some mystery of this performance, although his name appears to it.

³ If Mr Dunton's opinion is worth quoting, it is to the effect that 'he only has had the rare happiness of bettering some of the best authors in a translation, and his *Seneca* and *Offices* will live as long as the world' (*Life and Errors*, p. 266).

⁴ *Life and Reign of Queen Anne* (1722), p. 38, from which Cibber and Chalmers quoted. The distinction between L'Estrange's detested political career and his generally respected literary life is very marked here. After relating the most injurious circumstances of his relations with Cromwell, Boyer continues: 'He went to his grave in peace, though he had in a manner survived those intellectuals which for so many years he enjoyed to an uncommon degree. His abilities and masterly style were chiefly displayed in several excellent translations from the Latin, Spanish, and French, particularly Seneca's *Morals*, some of Erasmus' *Colloquies*, *Æsop's Fables*, Dom Quevedo, Josephus, etc.'. 'To think like Sir Roger L. once in his life is enough to recommend him to his readers' approbation ever after', is the flattering encomium of the Preface to L'Estrange's (?) *Hymn to Confinement* printed 1705. So *Homer in a Nutshell* by Sam. Parker, son of the Bishop, 1700 (a Fable poem in 3 Cantos). Dedication to Sir Roger L'Estrange—'Now all straggling Apoloques fall to you as Lord of the Manor'.

Seneca, the deplorable *Tacitus*, the Billingsgate *Terence*, and the unscholarly *Josephus* invited a torrent of abuse, too steady and too long continued for full quotation here.

Perhaps the earliest critical attack on L'Estrange's memory is contained in that oft-quoted number of the *Spectator* which deplores the degradation, corruptions, but chiefly the retrenchments of the English tongue in which 'our politest authors' joined to the destruction of the Tongue¹. Sir Roger, still one of 'our most celebrated authors', figures as the prime delinquent in that process which was to adjust the spelling to the pronunciation and so 'confound all our etimologies'.

Five years after L'Estrange's death, Henry Felton wrote (he did not publish till 1713) his famous *Dissertation on Reading the Classics and Forming a Just Style*. It went into three editions, and is the most curious reflection on the new forces at play. He had been educated in the school of Dr Busby, who frowned on all cribs and commentaries. Yet Felton had sufficient of the new age in him to suggest that grammar may be learnt from texts as well as texts from grammar, and to imbibe the idea of the realists that 'in this polite and excellent age of learning we lose our time in words'. He also hailed the new criticism of Addison and Steele and approved Swift's project for *ascertaining* the English Language. Felton arose to scourge the impertinents, 'pretenders to learning who have made their small knowledge of the modern tongues supply their ignorance of the ancient', and are thus 'at double distance from the original', a rating in which, with some allowance, L'Estrange is included.

It is easy to perceive that, with considerable enlightenment, Felton belonged to the contemptuous classic school referred to by Professor Earle, and yet he pays due tribute to his own tongue, placing it (as the fashion had then become) high above the French, whose 'circumlocution, talkativeness, and a certain airiness' have frustrated the worthy attempts to render the classics at home in that language. English, he admits, above all modern tongues, has the gravity and ease fitted for Roman work.

But even for English translation we must choose our ablest pens, and none but a universal genius — which L'Estrange was not — should attempt all kinds. Moreover

¹ *Spectator*, No. 135.

two things are specially displeasing in the late movement, the method of paraphrase and still more of digesting an author, which L'Estrange used (and defended) in his *Seneca*, and a 'way of Imitation I can by no means admit of and that is adapting ancient authors to modern times and making Horace, Juvenal and Persius, etc., not only speak our language but know our manners'. If it is only a matter of change of actors and scene, however, Felton is not inexorable.

As to the former evil, 'I know the general practice is avoiding a literal translation, but there is a great deal of difference between a literal translation and a paraphrase'. These censures fittingly introduce the chief offender.

'Sir Roger L'Estrange, who was a perfect master of the familiar, the facetious, and jocular styles, fell into his proper province when he pitched upon Erasmus and Æsop. Tully's *Offices* were suitable enough for their plainness and familiarity to his genius, but he could never rise to the solemnity and dignity of his Orations. He was neither Orator nor Historian, his talent was banter and ridicule, and how well qualified he was for the translation of Josephus among a thousand other levities and low expressions we may judge from the character of Herod, who was one "that would keep touch neither with God nor man" according to his translation'.

We have quoted Stacey's extravagant eulogy four years after this attack appeared, but in 1728 a much more vicious onslaught was delivered by Thos. Gordon, who translated Tacitus¹, and thought it incumbent on him to prepare his public by an all-round trouncing of English translators, and especially of L'Estrange, which Cibber deprecated rather on the score of good manners than faulty criticism². Gordon also gives us a brief history of English style of the kind of which Aphra Behn's *Essay on Translated Prose* stands at the one pole and Johnson's article in the *Literary Magazine* of 1758 at the other. This censorious, but often acute, critic has nothing new to tell us of the differing capacities of Latin, French, and English, but he has something to say of the rise of the 'flippant jargon' of which Sir Roger is the great master.

¹ *The works of Tacitus by T. Gordon*, vol. i., containing the *Annals* to which are prefixed *Political Discourses upon the Authors*, London, 1728.

² *Lives*, iv., 301: 'To raise the reputation of his own performance, he has abused that of L'Estrange in terms very unfit for a gentleman to use supposing the censure had been true. Sir Roger's works indeed are often calculated for the meanest capacities and the phrase is consequently low, but a man must be greatly under the influence of prejudice who can discern no genius in his writings'.

'The taste and style of the Court', he says, 'is always the standard of the public. At the Restoration, a time of great festivity and joy, the formal and forbidding gravity of the preceding times became a fashionable topic of ridicule, a manner different and opposite was introduced, jest and waggery were encouraged, and the King himself delighted in drollery and low humour¹. Hence the language became replete with ludicrous phrases; archness and cant grew diverting; the writings of witlings passed for wit, and if they were severe upon the sectaries, as the fashion was, they pleased the Court. By this means L'Estrange got his character. It is very true that there appeared at the same time men of just wit and polite style, but it cannot be denied but that the other manner was prevalent; the greatest wits sometimes fell into it. This humour ended not with that reign, nor the next, but was continued after the Revolution by L'Estrange, Tom Browne, and other delighters in low jests, their imitators, and such witlings have contributed considerably to debauch our tongue'.

'Full of technical terms', 'phrases picked up in the street from apprentices and porters', 'nothing more low and nauseous', are some of Gordon's flowers. 'Yet this man was reckoned a master, nay a reformer of the English language²; a man who writ no language, *nor does it appear that he understood any*; witness his miserable translations of Cicero's *Offices* and Josephus. That of the latter is a version full of mistakes, wretched and low from an easy and polite one of Mons. D'Andilly'. And so on to the attack on the truly wretched *Tacitus*.

Gordon is not a stickler, however, for literal translation, which encourages an attachment to 'words and criticism' as in the case of the learned Savile whose old *Tacitus*, from

¹ See for example *A Pleasant Conference upon the Observer*, quoted p. 354. Clarendon (*Continuation of Life* (1761), p. 475) has shown, and Eachard's *Contempt of the Clergy* (1670) confirmed that this railery was not confined to the Sects, but especially after the Dutch War, was directed at the Anglican Clergy. Godwin (*Lives of Ed. and John Phillips*, pp. 43-4) has attempted to describe this vogue of buffoonery.

² Dunton, *Post-Angel*, November 1701, pp. 287-8: 'Mr Motteux, who in your opinion is the best English Master of English style in his works? Sir Roger is the greatest master of the English Tongue, and has endeavoured to imitate Terence'. In praising the 'ingenious Mr Boyer's' translation of Bona's *Moral Essay upon Friendship* (*Post-Angel*, *ibid.*, p. 411), Dunton's tribute can go no higher than that the performance is 'in no ways inferior to the eloquence of the *Great English Master of Translation*', that is, L'Estrange.

which L'Estrange largely copied, he regarded, unlike De la Crose, as insipid.

The exceptions he makes in favour of 'certain men of just wit and polite style' after the Restoration, is admitted also by Johnson¹, who attempted to rescue the prose of Cowley and Sprat from the general sentence. The name of the latter suggests a passage in Eachard's *History* where in proclaiming the merits of the men of the Restoration, he brackets L'Estrange and Sprat, as having 'refined and improved our tongue', a tribute for which Oldmixon naturally trounced him².

While Gordon attributes the faults of Restoration prose to the affectations of the Court, Royalist writers regarded the Commonwealth as the 'fatal interruption' to the manly prose which, about 1630-40, was replacing the pedantry of the Jacobean age. It became customary to point to the difference between the language of the Church and the snivelling cant of the sects, which fell like a blight on the English tongue. So Johnson in the essay referred to above³, and so the servile Dr Blair, who actually starts modern English style with Clarendon⁴. Johnson of course could not use Gordon's terms, but when he wants to deprecate the same faults in Dryden, he likens him to L'Estrange. 'Language', he says, 'was by them cultivated only as a mode of elegance. Hence it became more enervated, and was dashed with quaintness, which gave the public writings of those times a very illiberal air. L'Estrange, who was by no means so bad a writer as some have repre-

¹ And by Felton on behalf of certain 'persons of quality who excelled in style in Charles II.'s Court'. T. L. Oliphant (*Standard English*, p. 312) takes Cowley and Baxter to be 'the heralds of a new style that was soon to be brought to further perfection by Dryden'.

² Oldmixon, i, 491. 'How came he to forget the immortal Milton and the very witty Marvell, I suppose they were too republican with him to have politeness or taste'. But Milton's prose had many more years to wander in the wilderness.

³ *Lit. Mag.*, May 1758, p. 196: 'The like poverty of style infected all the writings of the party. The pulpits resounded with the most abject stuff from all the ruling sects, and even the great Milton in the character of a prose writer is as despicable as he is divine in that of a poet'. Felton, *Dissertation*, p. 60: 'Such crude indigested volumes, my Lord, are many of the dissenters' writings'. From the other side see Mackenzie's excellent *Commentary upon the Present Condition of the Kingdom and its Melioration* (1677), p. 26: 'That method of preaching is a prejudice to the life and power of Religion wherein men set forth themselves by studied discourses, with ornaments of History, Rhetoric, subtle disputations, nice distinctions, etc.'. Amos (*Hist. of Constitution in Reign of Charles II.*, p. 142) quotes at length an Oxford poem, *Conventicula Dissipate*, which is a model in Latin verse of this kind of puritan ridicule.

⁴ Following Johnson as usual, whom, however, he manages to misunderstand. Hugh Blair, *Lectures on Rhetoric and Belles Lettres* (1845), p. 208.

sented him to be, was sunk in party writing, and having generally the worst side of the argument, often had recourse to scolding, pertness, and consequently a vulgarity that discovers itself even in his more liberal compositions'.

Cibber we saw reprov'd Gordon for his abuse of L'Estrange, but has very little to urge in defence. Chalmers writing in 1815 endorses Granger's judgment that he 'was one of the great corrupters of the English Language'. He, however, faintly excuses his levities on the ground that he had to contend with 'men whose language was equally vulgar and intemperate'. He cautions us also to verify the statements in his newspapers. About the same time (1813) appeared a far more trenchant summing up of eighteenth-century censures in Tytler's *Essay on Translation*. Tytler has nothing new to offer by way of attack¹, but he makes some interesting comparisons with the translations of Motteux, Smollet, and Sterne².

The modern reader will perhaps not regard the specimens of coarseness which Tytler cites as very fatal. Nor would the remarkable translation of Seneca from which he culls them, have run through so many editions—one about the very time Tytler wrote, and the latest for Prof. Rhys, side by side with the delightful old version of Thos. Lodge,—did his charges not resolve themselves largely into an inability to distinguish between vernacular force and vulgarity.

Such at any rate we might gather the modern judgment to be, if still continued editions were any criterion of taste. But we have also express modern criticism of L'Estrange's style in the prefaces to these latest editions of the *Æsop*, *Seneca*, *Cicero*, *Erasmus*, and *Bona* by fastidious editors. Their judgment is unanimous, though here and there lingers the eighteenth-century tradition. That he is saved with all his faults, by vigour and honesty of style, by the incommunicable something that makes style, we may now admit, even if Prof. Earle had not gravely rescued him in his remarkable study of the styles which emerged at the Restoration.

¹ *Op. cit.*, 3rd ed., 1813. He expands Felton's remarks on the *Cicero* and *Seneca*. 'Seneca, though not a chaste writer, is remarkable for a courtly dignity of expression, which, though often united with ease, is in the opposite extreme to meanness or vulgarity. L'Estrange has presented him through the medium of such coarseness that he is hardly to be known'.

² He refers (p. 262) to the Slawkenbergius story in *Tristram Shandy*, vol. iii., chap. vii., and compares Motteux's with Smollet's *Don Quixote*.

The 'established modes of the Century' according to Prof. Earle, were the ornate classical type, contemptuous of the vernacular and the 'quaintly-figured style of Puritanism—both cultured styles—rooted in one and the same aesthetic principle'. Clarendon and Bunyan are types of these. The new school of which L'Estrange is herald and apostle is 'studiously negligent and *incult*'. It prides itself upon 'a wanton affliction of slovenliness' and nevertheless 'the true parentage of all that is most firm and valuable in the present prose must be derived from the new style (rather the old revived) that came forward after the Restoration¹, and the flagbearers of it are first of all the journalists L'Estrange and Defoe, and then the allegorical Bunyan and the poet Dryden'. And this was 'the war of declared barbarism against the established modes of the century to break them down and prepare the way for the compromise of the next century and the balanced proprieties of the age of Queen Anne'².

L'Estrange and his kind had the misfortune—though really, according to the above view, the saviours of the language—to be speedily overtaken by the reformation with which Swift and Addison are associated, and which so thoroughly conquered that in the next generation Blair almost complains that 'refinement of language has of late begun to be much attended to. In several modern productions of very small value, I should find it difficult to point out many errors in language'. When we remember that the Professor of Taste was able to take to pieces—though respectfully—the very essay in which Swift pleads for a reformation in diction, we must conclude that by the latter half of the eighteenth century refinement had become a disease³.

The three specimens of L'Estrange's style which Prof.

¹ Matthew Arnold (*Six Chief Lives*, preface xxi.): 'It is the victory of this prose style "clear, plain and short" over what Burnet calls "the old style long and heavy"', which is the distinguished achievement in the history of English Letters of the Century following the Restoration'.

² *English Prose* (1899), p. 453: 'L'Estrange has been selected for something of a special stigma, as if he had been a wanton corrupter of English. This is not accidental, nor is the cause obscure. He came forward in a moment of great reaction and his long and popular authorship rendered him a typical figure. . . . Now once more emerges this long suppressed and homely style . . . of which we have only seen here and there a surviving waif since the 15th century'.

³ Blair, *Lectures*, pp. 262 and 272.

Earle has given are¹ chosen unfortunately from his earlier works, and outside the quarter-century range which he has rightly taken as marking the reaction. Those earlier productions are often in an exceedingly wooden and intricate pattern and unsightly from an immoderate use of the square bracket which Prof. Earle has observed². It is not till after his first disastrous essay in journalism (1663-6), that in the *Quevedo* we see the new style fully grown. And so it continued in his translations—though the work named is with the *Erasmus* undoubtedly his best. It may be fanciful to see a more decided push in this development after the *Observers* (1681-7), but not even Cobbett had better opportunity of using the language of the people than Sir Roger had now.

The wit-combats, the abuse, the drolleries of L'Estrange's wars with Frank Smith, Curtis, Care, and Prance, come thus to have some account in the final settling of English prose. The fact that one man was widely—we may say vastly—read, and constantly referred to as learned, was in eternal and public conflict with men who often plead their ignorance and lack of education, has a real significance, and if—as was everywhere affirmed—the clergy studied and preached L'Estrange for a dozen years, we must conclude that his influence for good or bad was very great.

After all the best defence of L'Estrange's translations is their longevity. They are re-edited to-day by men who seek quaint vigour and relish rather than a scholarly version. His *Bona* for example ('useful for families and convenient to be given at funerals') after a steady stream of editions down to 1722, was re-edited in 1900 (J. W. Stanbridge, *Library of Devotion*), its editor admitting that he has 'here and there introduced English expressions which he has thought adapted to enliven the meaning', but claiming that 'while the translation is made more racy and stimulating, it is never misleading'. The *Erasmus* (which appeared in an edition of 1711 with Tom Browne's seven additional Colloquies and the Life already alluded to) continued till 1725, and was superseded by J. Clarke's 1720 version, which went into twenty editions. Clarke as we saw modelled himself on L'Estrange. The *Seneca*,

¹ Earle, *Ibid.*, p. 455. The specimens are from *The Holy Cheat*, and the *Memento*.

² *Ibid.*, p. 177.

after a fourth American edition 1807, was (with Thos. Lodge's old version) edited for Prof. Rys' Camelot series, 1888, under that system of abstracts condemned by Felton. Even the *Josephus* had several editions, 1717, 1732, 1733¹, and gave way only to Whiston's great edition 1733 which was 'compared' with L'Estrange's. Whiston's in turn became the foundation of Shilleto's 1899 edition. So that something of Roger's labours may have survived even here. The Cicero (*De Officiis*) makes a charming appearance in the Temple Classics, and though very far from faithful in detail, has much of the tart quality which induced the editor of Mr John Lane's *Hundred Fables of Æsop* (1899) to cull them from L'Estrange's Collection². That this latest edition is meant for children justifies the original purpose with which Roger set out. 'Modern renderings', says this editor, 'with one eye to the anxious parent and the other on the German Governess, have often achieved an impotence of English that increases our admiration of a tongue that can survive such mishandling and still remain the language of men. . . .' L'Estrange may have had his faults of diction, faults of excess, of violence, of recurrent effort for the *explosive* phrase, wherein we get indeed the telling snapshot effect, but somehow hear the click of the kodak as well. Yet his version remains the one version, and these are not the Times in which we may expect to get another. It is more than doubtful whether Æsop would have approved of it, and yet for good or for evil, it is the *ultimate* version. On the other hand L'Estrange's controversial works, his *Observers* and the rest found no editors and few readers. *Heraclitus Ridens* had the honour of republication in 1713, but no one has yet come forward to digest the great *Observer*. So that of his original work, he was known to the eighteenth century by the merest scraps, and these doubtful. His *Hymn to Confinement* (1705), his *Two Cases submitted to Consideration* (1709), *Machiavel's Advice to his Son* (1734), *A Key to Hudibras* (1715) (a two-page identification of the characters in that famous drollery). The Somer's and Harleian Collections of Tracts revived a few of his things

¹ A second edition in Elzevir type, 3 vols., preparing at John Bowyer's printing-house, was burnt, 30th January 1712 (Nichol, *Lat. Ance.*, i. 56).

² *A Hundred Fables of Æsop, with Pictures by Percy J. Billingham and an Introduction by Kenneth Grahame* (1899), published by Mr John Lane. This edition gives the Morals, not the Reflexions.

including the very doubtful *Plea for Limited Monarchy*, and his championship of Parker against the Oxford Clergy (*Reply to the Reasons of the Oxford Clergy against Addressing*). A collection of Fishery Tracts (1751) included the pamphlet which he wrote at the command of Williamson, 1674¹. Apart from his translations, he passed into the historical limbo before the century closed, and his memory was preserved by a few divines of the Church of England, who remembered his efforts on her behalf.

¹ *S. P. Dom. Car.*, ii., 361 (235), 17th September 1674, Roger L'Estrange to Williamson. 'In company with this paper your Honour will find the Pamphlet and the Project concerning the Fishing which you were pleased to command of me at Windsor. This proposition hath past the test of as intelligent merchants as any are upon the Exchange. . . . It rests only to inform you that his Majesty hath several vessels that lie rotting for want of care and employment, many of which were built for the fishing'. See also a letter from Roger L'Estrange to Mr Smith Watson on a project of the Fishery. 23rd August 1677, *Add. MSS.*, 28053, f. 109. L'Estrange is acting as intermediary for Smith to bring his project to the notice of the Court.

APPENDIX I

LIST OF L'ESTRANGE'S POLITICAL WORKS

(For a list of his Translations, see chap. xii. p. 377)

AUTHORITIES.—WINSTANLEY.—*Lives of the Eminent Poets* (1687), 219 : 'Because some people may imagine his works not to be so many as he hath written, we will give you a catalogue of as many as we can remember'. He remembers altogether twenty-six, six being translations, viz :—the *Quevedo*, *Erasmus*, *Seneca*, *Cicero*, *Bona*, and the *Five Love-Letters from a Nun to a Cavalier*. The errors in the titles of his list prove that it was an effort of memory on the part of one who himself boasted of having written 'seven score' works. (Oldys' MS. notes to Winstanley in Bodleian Copy.)

CIBBER.—*Lives of Poets* (1753), iv., 295. Copies his list from the old General Dictionary, which in turn borrowed from Winstanley, with the addition of the *Considerations on the Speech of the late Lord Russell*, the *Æsop*, and the *Josephus*, which had not appeared when the latter wrote.

CHALMERS.—*Dict. of Gen. Biog.* (1815), art. L'Estrange, gives a fuller list of thirty-four political tracts and six translations, but it is evident that he, too, copied the old list, for he reproduces Winstanley's errors in titles.

THE OBSERVATOR.—Is a frequent advertiser of L'Estrange's Works after 1681, and is in several cases a valuable guide to their date. We find, however, a work (the *Apology for the French Protestants*), first advertised in the *Observer* in August 1681, previously appearing in the *Catalogue* for May term 1681. On the other hand we follow more of the mind of the author in the *Observer* appearances, for the advertisements in the *Catalogue* were Brome's affair, but L'Estrange had an eye to the state of parties in his *Observer* lists.

HARRY BROME.—L'Estrange's faithful publisher, from time to time gives lists of his author's recent productions, especially at the time of the Popish Plot, when it was important that people should distinguish between what Mr L'Estrange wrote and what his enemies said he wrote. The first of these is a bookseller's advertisement, 27th February 1680, printed at the end of *Citt and Bumpkin*, 4th ed. 1680—'This is to advertise the reader that since September 1678, he (Mr Roger

L'Estrange) hath published these following pieces, and no other'. Here follow eleven works, including two translations, the *Erasmus* and the *Cicero*.

At the end of the *Further Discovery of the Plot*, July 1680, appears a new list, including four more, two of which are the *Seneca* and the *Guide to Eternity*. Lastly, there is Brome's *Collection of Several Tracts* written mostly since the Discovery of the Popish Plot 1678, being all against Popery and against Presbytery.

Putting aside the re-issues of the old anti-Presbyterian *Toleration Discuss'd*, and the *Relaps'd Apostate*, it appears that the *Seneca* was written between *Citt and Bumpkin*, 4th ed., and *Further Discovery*, while the *Erasmus* was later. In all, between the 4th edition of *Citt and Bumpkin* and this *Collection of Tracts* no fewer than eight tracts are to be credited to L'Estrange. Every pamphlet in this collection is of date prior to L'Estrange's flight in October 1680. The bookseller's list noted above is dated 27th February 1680. So that between the last day of February and the last day of October 1680—eight months—our author wrote and published eight controversial tracts, besides the translation of *Cicero*, and republished two old tracts with alterations to bring them up to date. Well might Professor Arber describe him as, with Baxter, and after Prynne, the most voluminous writer of the age (see *Term Catalogues*, vol. i., introduction). Further, in the two years from September 1678 to October 1680 he wrote eighteen pamphlets and translated *Seneca*, *Cicero*, and *Erasmus*.

THE TERM CATALOGUES.—Professor Arber's edition of the old *Mercurius Librarius*, enables us to place the works of this busy period (1677-82) with fair accuracy. It must be remembered, however, that the appearance of a book in the *Catalogue* does not settle the date of publication, even where the printer has been careful enough to specify 1st, 2nd, or 3rd edition. A bookseller finding a number of works on his hand, after exhausting his own methods of advertising—that is, posting them in rubric on his walls, etc.—would often, as a last resort, send in his advertisement to Clavell, often with the fear that L'Estrange's quick eye for sedition and schism would detect its quality. This does not hold, of course, with Roger's own works, but in some cases we find Brome inserting a work in the *Catalogue* many months after the date of publication. We can only say that we are more likely to get the true date, in the case of Brome's advertisements in the *Catalogue*, than of most other booksellers.

HAZLITT'S *BIBLIOGRAPHICAL COLLECTIONS AND NOTES*, 2nd series, p. 343, attempts some sort of list.

SIR SIDNEY LEE (art. L'Estrange, *Dict. of Nat. Biog.*) first attempted a really inclusive list of L'Estrange's works, from which it appears that our author is to be credited with fifty controversial works and fifteen translations. The list, however, is imperfect, includes some things that L'Estrange almost certainly did not write, and omitting some that he did, often fails to give the date of first publication.

On the whole, it is rather to be wondered at that the *Catalogues* of the Bodleian and British Museum Libraries agree so often in their lists of the writings of such an author, than that there are serious omissions and mistakes in both.

The following list—which omits his printed appeals for liberation in 1644-6 and his Kentish and Interregnum manifestoes—attempts to supply the few defects of these lists. From this it will appear that L'Estrange wrote fifty-eight political works. This added to the number of his translations, given in chap. xii., p. 376, makes his round total of works, seventy-two.

1. *L'Estrange, His Appeal from the Court Martial to the Parliament*, 7th April 1647.
2. *L'Estrange, His Vindication to Kent and the Justification of Kent to the World*, 1649.
- *3. *An Appeal in the Cuse of the Late King's Party*, 1659.
4. *No Blinde Guides*, April 1660.
5. *L'Estrange, His Apology, with a short view of some late remarkable transactions, leading up to the happy settlement of these nations*, 10th June 1660.
- *6. *A Rope for Pol, or The Hue and Cry after Marchmont Nedham*, September 1660.
7. *A Caveat to the Cavaliers*, July 1661, 2nd ed., enlarged 13th August 1661.
8. *A Modest Plea both for the Caveat and the Author of it*, 28th August 1661; 2nd ed. 17th September 1661.
9. *The Relaps'd Apostate, or notes upon a Presbyterian pamphlet entitled A Petition for Peuce*, 14th November 1661; 2nd ed. 1681.
10. *State Divinity or a supplement to The Relaps'd Apostate*, November 1661.
11. *Interest Mistaken or The Holy Cheat*—the 4th ed., 1682, states that 'it was published at the latter end of 1661 though dated (to keep it the longer fresh) 1662'.
12. *To the Earl of Clarendon, the Humble Apology of Roger L'Estrange*, 3rd December 1661.
13. *A Whipp, a Whipp for the Schismatical Animadverter on the Rp. of Worcester's Letter*, 7th February 1662.
14. *A Whipp, a Whipp with an answer to a second and impudent libel from the same hand*, March 1662.
15. *A Memento, directed to all those that truly reverence the memory of King Charles the Martyr*, dedicated to Clarendon, 11th April 1662; 2nd ed. 1682 entitled *A Memento, treating of the Rise, Progress, and Remedies of Seditions*, and omitting the personal prefatorial matter.
16. *Truth and Loyalty Vindicated from the reproaches and clamours of Ed. Bagshawe*, 7th June 1662.
17. *Considerations and Proposals in order to the Regulation of the Press*, 3rd June 1663.
18. *Toleration Discuss'd*, in two Dialogues, 1663; 3rd ed. 1681.

19. *The Kingdom's Intelligencer* (Newsbook), 28th August 1663 to January 1666.
- *20. *Dolus an Virtus?* November 1667 (date supplied in MS. note, Anthony Wood's copy, Bodleian).
21. *Discourse of the Fishery*, by Roger L'Estrange, 1674.
22. *The Parallel, or An Account of the Growth of Knavery*, anon., 1678, 2nd ed., with name and title *An Account of the Growth of Knavery with a Parallel betwixt the Reformers of 1677 and those of 1641, in a Letter to a Friend* (folio 6d. ; *Term Catalogue*, November 1679).
23. *Tyranny and Popery, Lording it over both King and People*, 1678 ; 2nd ed., May Term 1680, 1s.
24. *The Reformed Catholique or The True Protestant*, 1678 ; 2nd ed. corrected May Term 1680, 6d.
25. *The History of the Plot, or a Brief Historical Account of the Charge and Defence of Ed. Coleman, Esq., etc.*, in folio 2s. 6d., November Term, 1679.
26. *The Freeborn Subject, or the Englishmen's Birthright asserted against all Tyrannical Usurpations either in Church or State*, 1679 (probably October) ; 2nd ed., May Term, 1680, 6d.
27. *The Case put concerning the Succession of H.R.H., the Duke of York*, November Term, 1679 ; 2nd ed., May Term, 1680, 6d.
28. *An Answer to the Appeal from the Country to the City*, 1679 (probably November).
29. *A Further Discovery of the Plot dedicated in a letter to Dr Titus Oates*, 1680 ; 3rd ed., May Term, 1680.
30. *A Seasonable Memorial in some Historical Notes upon the Liberties of the Presse and Pulpit*, May Term, 1680, 6d.
31. *Citt and Bumpkin in a Dialogue over a Pot of Ale*, 4th ed., 27th February 1680.
32. The second part of *Citt and Bumpkin*, May Term, 1680 ; 3rd ed., June 1680.
33. *Discovery upon Discovery*, May Term, 1680.
34. *The Committee or Popery in Masquerade*, May Term, 1680, broad-side anon., 6d., accompanied by a verse *The Explanation*.
35. *A Narrative of the Plot*, May 1680 ; 3rd ed., June Term, 1680.
36. *A Short Answer to a Whole Litter of Libellers*, June Term, 1680.
37. *The Cusuist Uncas'd or Richard and Baxter in a Dialogue*, 1680.
38. *L'Estrange, His Appeal*, humbly submitted to the King and the Three Estates of Parliament, October 1680.
39. *L'Estrange's Case in a Civil Dialogue between Zekiel and Ephraim*, October 1680.

PERIOD OF EXILE—October-February 1680-1.

40. *L'Estrange no Papist nor Jesuite* (1680-1), May Term, 1681.
41. *A Letter to Dr Ken at the Hague dated 1st February 1680-1.* May Term 1681.

ON RETURN FROM EXILE—February 1681.

42. *The Observer in Dialogue* began 13th April 1681.
43. *Dissenter's Sayings in requital for L'Estrange's Sayings*, pt. i., April, 1681.
44. *An Apology for the French Protestants* in 4 parts, May Term, 1681. (First advertised in *Observer*, 2nd August 1681).
45. *Dissenters' Sayings*, pt. ii., 29th August 1681. November Term, 1s.
46. *The Reformation Reformed*, occasioned by Frank Smith's yesterday's *Paper of Votes*, 2nd September 1681.
47. *Notes upon Stephen Colledge*, September 1681 ; 2nd ed., November Term, 1681.
48. *The Character of a Papist in Masquerade in reply to (Settle's) Character of a Popish Successor*, November 1681.
49. *A Reply to the Second Part of The Character of a Popish Successor (The Character of a Popish Successor complete)*. November Term, 1681.
50. *A Word concerning Libels and Libellers* humbly presented to the Rt. Hon. Sir J. Moore, December 1681.
51. *The Shammer Shammed*, February 1682.
52. *The Accompt Clear'd* in answer to *A True Account from Chichester concerning the Death of Hubin the Informer*, May 1682.
53. *Considerations upon a Printed Sheet entituled The Speech of the late Lord Russell*, June 1683.
54. *The Observer Defended by the author of the Observer*, December 1685.
55. *A Reply to the Reasons of the Orford Clergy against Addressing*, 1687 (*Somer's Tracts*, ix., 38).
56. *A Brief History of the Times* in 3 parts, 1687-8.
- *57. *A Key to Hudibras* (Butler's *Posthumous Works*, 2 vols., 1715).
58. *Two cases submitted to consideration* :—
 - (1) *Of the necessity and exercise of a Dispensing Power.*
 - (2) *The Nullity of any Act of State that clashes with the Law of God.* S. Sht. Fol. 1687. Another edition, 1709. *Somer's Tracts*, ix., 36-8.

It remains to discuss the authorship of some doubtful works ascribed in various Catalogues or by various biographers.

I.—TRANSLATIONS

Five Letters from a Nun to a Cavalier is certainly his, and appears under his name in the *Term Catalogues*, June 1680.

The anonymous *Five Letters from a Cavalier to a Nun in Answer* were never claimed by or for him. Aphra Behn wrote them, as well as the *Love Letters between a Nobleman and his Sister*, 1693.¹ The Epistle to Thos. Condor, Esq., in the latter tells the circumstances of her writing it. As it is on these two works chiefly that Sir Sidney Lee bases his strictures on L'Estrange's indecencies, the only works of this class the biographer has to defend are the *Gentleman Potheary*, and the second part of the *Fables*, 1699, which, however, admit of no palliation.

As to the Translation from Solorzano—*The Spanish Polecat*—said to have been finished by Ozell, we have no evidence of L'Estrange's authorship beyond Curll's advertisements 1718 and 1726. We know for certain that he took part in the *Terence*, wrote the third book of Tacitus' *Histories*, but of the *Plautus* we can affirm nothing beyond rumour, and that Motteux says it was to be done by the same hands as had translated Terence.

II.—CONTROVERSIAL AND OTHER WORKS

The following have been variously ascribed :—

1. *A Hymn to Confinement*, written in Newgate, 1645-6.
- *2. *The Appeal in the Case of the late King's Party*, 1659.
3. *A Plea for Limited Monarchy*, 1659.
- *4. *A Rope for Pol, or The Hue and Cry after M. Nedham*, September 1660.
5. *Presbytery Displayed for the Justification of such as do not like the Government, and for the benefit of those who do not understand it*, 1663 ; 2nd ed., 1681.
- *6. *Dolus an Virtus?* November 1667.
7. *Theosebia or the Church's Advocate*, 1665-6 (?).
8. *The Parallel or Semper Idem*, printed 1662 ; 2nd ed. 1682 ; printed in *Har. Misc.*, iv., 398.
9. *Heraclitus Ridens*, February 1681.
10. *Reflections on a Pamphlet stiled 'A Just and Modest Vindication of the Two Last Parliaments'*, 1682.
11. *The Lawyer Outlived. A brief answer to Mr Hunt's Defence of the Charter*, 1683.
12. *The Royal Apology, or An Answer to the Rebels' Plea with a parallel between Doleman, Bradshaw, Sydney, and others of the true Protestant Party*, 1684.

¹ In the same year (1693) appeared '*The Amours of Philander and Silvia, being the Third and Last Part of the Love Letters between a Nobleman and his Sister.* By A. B.'

13. *La Conspiration faite contre le Roy Charles II. et son Frère*, 1685, à Paris.

An asterisk is placed before those works which have been included in the list of Works.

1. There is no authority for the *Hymn to Confinement* beyond rumour and the preface to the 1705 edition, 'an MS. poem said to be by Sir Roger L'Estrange'. Miss Mitford (*Recollections of a Literary Life*, 1859, p. 276) quotes it at length, but only assumes it to be L'Estrange's. Nor does any of his contemporaries refer to it as his. See *Roxburghe Ballads*, iv., 222.

2. *The Appeal in the Case*, etc., may be identical with *Collections for the King*, persistently included in the old lists from Winstanley's downward. Both from the circumstances and the style, there is a strong presumption of L'Estrange's authorship. The Catalogue of the Brit. Mus. Lib. ascribes it to him.

3. *The Plea*, etc., was first doubtfully ascribed to L'Estrange by Oldys (*Har. Misc.*, 1744, vol. i.) who rightly praised its moderation and style, neither of which, however, are characteristic of L'Estrange. Nor did he claim it after the Restoration, when he was so eager to press his late services. The same objection does not stand in the way of his authorship of *The Appeal in the Case*, etc., because it accepted the Commonwealth and apologised for the unruly Cavaliers.

4. *The Rope for Pol* is entirely in L'Estrange's manner, being an anthology of Nedham's Republican excesses. 'No doubt by him', says Mr J. B. Williams (*Eng. Hist. Rev.*, April 1908).

5. *Presbytery Displayed* is an old tract of 1644 refurbished by L'Estrange, 1663 (but expressly ascribed to another); republished 1681. 'He seems', says Sir S. Lee, 'at the same time to have re-issued under his own name *Presbytery Displayed*, a tract previously published anonymously'. He did not, however, put his name to it.

In the preface to the 4th edition, corrected 1681, L'Estrange tells us, 'it came to my hand with the authority of a very judicious and honourable person, whose name should now warrant it to the public'. The title alone he altered. The original title seems to have been *The Platform of Presbytery*.

6. *Dolus an Virtus?* (Bodl. B. 14, 15 Linc.) from the motto, Press-mark, and style, is almost certainly L'Estrange's.

7. *Theosebia* is ascribed to L'Estrange in the Catalogue of the Advocates' Library, Edinburgh. In style, method, and publication it is totally distinct from the usual L'Estrange Tract.

8. *The Parallel or Semper Idem*, is very close to his style, principles, and method of excerpting authors; see p. 86.

9. *Heraclitus Ridens*, ascribed to L'Estrange by Scott (Dryden, ix., 374), who quotes No. 50 (a castigation of Settle), is marked in the Bodleian Catalogue as his. Sir Sidney Lee thinks he may have had a hand in it. There is no authority for this beyond some ignorant contemporary

conjecture. He may, of course, have suggested something to its author, John Flatman, but its quips are all in merrier vein than L'Estrange affected. He is not referred to in the duodecimo reprint of 1713. Ben Tooke, the publisher, was prosecuted for it in 1681; at the same time L'Estrange (*A Word concerning Libels and Libellers*) complains only on account of the prosecution of the *Observer*.

10. Ed. Bohun wrote the *Reflections on the Just and Modest Vindication* (see his *Address to the Freeholders*, 1682, pt. iii.).

11. *The Lawyer Outlawed*, 1683 (a reply to Hunt's *Defence of the City's Right*), ascribed to L'Estrange in the Catalogue of the Advocates' Library, Edinburgh, is far from L'Estrange's style. L'Estrange had no reason to be anonymous in 1683. It very well represents his feelings towards Hunt, however (see p. 327), and is advertised in Nat Thompson's *One Hundred and Eighty-three Loyal Songs*, 1683.

12. *The Royal Apology*, etc., ascribed to L'Estrange in the Catalogue of the Signet Library, Edinburgh. Its anonymous character and open attack on Doleman (L'Estrange's father-in-law), apart from style, prove it to be by another author.

13. *La Conspiracy*, etc., though professing to be a translation from L'Estrange, has too many ludicrous errors in spelling and names to have been even glanced at by him. The writer may have collected his information from the *Observers*.

APPENDIX II

CHIEF SOURCES OF THE LIFE

I. CONTEMPORARY PAMPHLETS, NEWSPAPERS, AND POEMATA.

(a) *Pamphlet Literature.* The most copious and in some respects reliable source is L'Estrange's own works, corrected by innumerable hostile replies. Though written in the heat of Party warfare, and containing, therefore, a large amount of mere recrimination, on points of fact, especially where corroboration or admission by the other side is possible, they are not likely on that score to be gratuitously inaccurate. Those into which the biographical element enters most are the *Vindication to Kent*, his two *Apologies* of June 1660 and December 1661, *The Relaps'd Apostate* (Introductory matter), *The Caveat and Plea for the Caveat*, November 1661. *The Memento*, May 1662, *Truth and Loyalty*, June 1662, and the Dedication (to the King) of *Considerations and Proposals in order to the Regulation of the Press*, 1663, give a lively picture of 'old-Cavalier' recriminations. Thereafter until the end of the 'Plot'—the period of his greatest importance in the *History of Literature*—he is practically silent, though other pamphleteers, Marvell, Hiceringill, Eachard, etc., were busy with his name. With the appearance of Oates on the scene, his pamphlets again provide the most abundant material, corrected by the running unfriendly comment of the Whig Journalists, Curtis, Care, Janeway, Smith, Harris, etc. *The Freeborn Subject*, 1679, *Further Discovery of the Plot*, *Discovery upon Discovery*, *Narrative of the Plot*, *Short Answer to a whole Litter of Libellers*, L'Estrange, his *Appeal to the King*, and *L'Estrange's Case*, the two last written in October 1680 when under Council examination, give an animated account of his movements in that crisis. In the violent struggle following the dissolution of the Oxford Parliament, we are enabled to judge the position he now occupied in the Councils of his Party by the rapid, month to month, production of such things as *L'Estrange No Papist*, *Dissenters' Sayings*, pts. i. and ii.; *Notes on Stephen Colledge*, and in the later Whig débâcle, the *Accompt Clear'd*, 1682, and *Considerations on the late Lord Russell's Speech*, 1683. But for this period the great source is the *Observer*, started in the month of the dismissal of the Oxford Parliament, April 1681, and continuing to the spring of 1687. Part newspaper, part pamphlet, it is probably the most minute and regular guide to the movements of the times that we possess. At the same time it attains almost to the usefulness of a private diary so far as L'Estrange is concerned. The attacks on it and

its author make a respectable body of literature. As it concerned itself chiefly with the exposure of the 'Plot', it soon attracted the whole force and acrimony of that agitation, which did not cease with the proceedings at the King's Bench in May 1685. As the unwearied advocate of the prosecution of the dissenters it involved itself in controversy with all the sects, with Baxter, Du Moulin, Calamy, and the milder men among the Church Divines. As the vehement antagonist of the Whig or Trimming movement in the Church after the severities of the Rye House Plot, it earned the hatred of the City Clergy, and by its later excesses, the coldness of the Church.

In these various connections he crossed swords with almost every hostile controversialist of the age. With Milton in the Interregnum period (whose *Brief Notes on a Sermon by Dr Griffith* provoked his *No Blinde Guides*, April 1660), Nedham (*A Rope for Pol*, September 1660), Corbet (*Interest Mistaken or The Holy Cheat*, July 1661) in the Restoration period. With Baxter he waged an intermittent war for a quarter of a century from *The Relaps'd Apostate* (14th November 1661), which answered Baxter's *Petition for Peace*, to his witty *Casuist Uncas'd*, or a Dialogue between Richard and Baxter, 1680, with the revival of *The Relaps'd Apostate* the following year. The Bagshawe wrangle evoked *Truth and Loyalty* (1662), which is wholly biographical, and the 'old-Cavalier' dispute his *Caveat* and *Plea for the Caveat*, in answer to Howell's *Cordial for the Cavaliers* (1661).

Of the later period, 1678-87, a vast amount of biographical matter is provided by his contests with Marvell, Hickeringill, Hunt, Blount, Settle, Ferguson, Care, Pordage, Pope, Du Moulin, 'Julian' Johnson, Colledge, Petyt, Phillips, Smithies, Hughes, etc., whose works are too numerous for mention here. Reference to the more important will be found in the *Index*. As authorities some dependence may be placed on them when the subject is matter of common knowledge, admitted by L'Estrange or corroborated from some neutral source. Otherwise consisting of charges largely on account of his conduct of the Press, his goading of the authorities into the path of persecution, or his 'running the Plot into a sham', they must be subjected to the closest scrutiny.

Marvell's *Rehearsal Transposed*, *Mr Smerke or the Divine à la Mode*, and *Growth of Popery*, pts. i. and ii., are contained in his *Prose Works*, collected in 3 vols. by A. B. Grosart.

Hickeringill's *Works*, in 3 vols., published 1709, contain his *Gregory, Father Greybeard*, 1673 (his contribution to the Marvell-Parker wrangle with many sly hits at the Surveyor), his *Ceremony-Monger and Man-Catcher*, 1680. The preface to this edition refers to L'Estrange. In these works, notably A vindication of *Curse Ye Merox* and the *Black Nonconformist*, 1681-2, Hickeringill returned to the charge. There was also an imperfect edition in 2 vols. (1708) which contains his *View of Jamaica*. Hunt's *Postscript to the Bishops' Right*, etc. (1681), a violent attack on L'Estrange which (not, as Sir Sidney Lee says, a work of Hickeringill) occasioned L'Estrange's *Short Answer to a Whole Litter of Libellers*, is contained along with two Whiggish pamphlets on the Exclusion in his published works, 1686. A *Prefatory Discourse to a late Pamphlet* entitled '*A Memento for English Protestants*', with some occasional *Reflections on Mr L'Estrange's writings*, 1681; *Mr L'Estrange's Sayings*, 1681; and *Assenters' Sayings in Requital for Dissenters' Sayings*, 1681; *The Loyal Observer*, printed for W. Hammond,

1683 (*Har. Misc.*, vi., 66); *A Pleasant Conference upon the 'Observator' and 'Heraclitus' in a Dialogue between Belfaggor and Pluto*, 1681-2, are among the more important attacks on L'Estrange, the last two giving notice of some intimate scandals connected with his name. Blount's works, collected in 1695 by an anonymous friend, contain his *Deistical Anima Mundi*, a book with the licensing of which (1679) L'Estrange was charged; his *Appeal from the County to the City*, 1679 (ascribed even by L'Estrange to 'your dead author Marvell'), which occasioned Roger's *Freeborn Subject*; and *A Just Vindication of Learning and of the Liberty of the Press*, 1679, a digest of Milton's great essay, which caused Hilger (*Index der Verbotenen Bücher*, p. 217) to describe him as the most effective opponent of the *Imprimatur*. *The Appeal to the City*, *Omnia Comesta a Belo*, *The Appeal from the Cabal at Whitehall* (see chap. vi.), Ferguson's *Just and Modest Vindication of the last two Parliaments*, 1681, the two parts of Settle's *Character of a Popish Successor*, and the works of 'Julian' Johnson, which provoked numerous attacks in the *Observator*, are contained with many other libels noted in the Text in the collections of State Tracts published in 1689 and 1693 by Richard Baldwin. The first of the 3 vols. of the folio *Collection of State Tracts published on occasion of the late Revolution and during the reign of King William III.*, contains a few also, such as *The Letter to a Dissenter*, etc. See also in connection with Johnson *A Second Five Years' Struggle against Popery and Tyranny*, published 1689, and the *Memorials of his Life* prefixed to his *Works* in folio 1710. For Smithies' three Replies to the *Observator*, 1684; Hughes' *Candid Plea*, 1684; Care's *Weekly Pacquet and Courant*; and *Lex Draconica*, 1687, we must search in the ordinary collections of pamphlets. Some of Colledge's and 'limping' Pordage's verse skits on L'Estrange are included in *Poems on Affairs of State*, pub. in 2 vols. in 1697 and again in 1703-7.

In connection with the Popish Plot we have the whole mass of 'Plot' Narratives, but of more particular reference to L'Estrange, *The Solemn Protestation of Miles Prance*, his *L'Estrange a Papist*, 1681, and *Postscript to the Observator's First Volume*, 1684. From Titus Oates no less than three Petitions against L'Estrange, addressed (1684) to the King, to Sec. Jenkyns, and to Sancroft, the first two printed in *Somer's Tracts*, viii., 378-380, the last in MS. quoted in the Text (p. 340). Of earlier date the writer of the French translation of L'Estrange's *History of the Plot*, 1679 (*Histoire de la Conspiration d'Angleterre*), the *Narration of J. Fitzgerald*, 1680, Castlemaine's *Compendium of the Plot*, 1679. Of later date Phillip's *Secret History of Charles II. and James II.*, 1693, and Oates' *Portraiture of the late King James II.*, 1696 (3rd edition Epistle Dedic. and pt. iii., 94) provide some commentary on the labours comprised in his own *Brief History of the Times*, 1687.

In various vindications of the *Observator*, 1684-5, and L'Estrange's own *Observator Defended*, 1685, addressed to Compton and described by Ranke (*Hist.*, iv., 267-8) as 'a remarkable proof of the change of feeling' in Episcopal circles, we remark the effect of such things as *The Observator Proved a Trimmer*, 1684, and *The Difference between the Church of England and the Church of Rome*, 1685, both anonymous. See also *A Letter to Dr Fowler*, Vicar of St Giles, Cripplegate, 1685. Almost the only scraps of L'Estrange's political works reprinted are *Considerations on the Speech of the late Lord Russell* (Clar. Soc. Reprints, 1884); *A Reply to Reasons of the Oxford Clergy against Addressing*; and *Two*

Questions Submitted to Consideration, 1709 (*Somer's Tracts*, ix., 38). But the works of his adversaries enjoyed a more enduring date, and were either collected separately or included in those collections of State Tracts published in 1689, 1693, and 1706-7.

(b) From *Contemporary Newspaper Literature* we gather more of the period 1678-83 than from any other source outside L'Estrange's own works. Though often hopelessly abusive and slanderous, these sheets are sometimes valuable for information of trials, proclamations, intrigues of the Press, etc., and are the complete presentment of the mind of the Whig mob. Without pointing to the particular numbers noticed in the Text, it may be said that Harris's *Domestick Intelligence* and F. Smith's *Protestant Intelligencer* are for the early months of 1681, preceding the Oxford Dissolution, the most perfect examples of electioneering journalism of that age, and are involved in daily conflict with the exiled ex-Surveyor. In recording Votes of the late Parliament (many of them said to be fictitious), and in the great matter of Addressing, they are the excellent repositories of Whig agitation, from which Oldmixon largely borrowed for his *History of Addressing*, 1709. Later in the year 1681 Janeway's *Impartial Protestant Mercury* (started April 1681 as *The Impartial London Intelligence*, and Curtis's *True Protestant Mercury* boldly opposed Nat Thompson's *Loyal Protestant Intelligence*, *Heracitus Ridens*, and the great *Observer*. L'Estrange's earlier essay in Journalism, *The Kingdom's Intelligence*, August 1663 to January 1666, was exceedingly useful as a diary of the Surveyor's crusade against the unauthorised Press. His later and more famous *Observer*, like Care's *Weekly Pacquet of Advice from Rome*, repudiated the name of newspaper in order to evade the Proclamation of May 1680 against 'pamphlets of news', and has therefore been included in his pamphlet labours. It need scarcely be said that the cautions necessary in accepting statements and charges in the pamphlet literature are even more requisite in dealing with newspaper libels, and still more in the fugitive *Poemata* of the period, in which the name L'Estrange occurs with more frequency than even that of Jeffries or Father Petre, and where for praise or blame Towzer is yoked with Jack Squab (Dryden). Besides several poems addressed to him—such as Aphra Behn's Poem dedicated to Sir Roger L'Estrange on the completion of his 3rd vol. of *Observers*, 1688; D'Urfey's (?) *Here's a Health to L'Estrange* in Nat Thompson's *One Hundred and Eighty-three Loyal Songs*, 1683; Tate's tribute (under the name of Sheva) in *Absalom and Achitophel*, pt. ii., 1682 (*Scott's Dryden*, ix., 350); *Luctus Britannici*, 1705 (and *Brit. Mus. Poetical Broad-sides*, p. 173, an Elegy on his death); and the single-sheet (Bodleian, Ashm. G. 16 (48)), 'Upon that worthily admired Patriot the *Observer*, or a poem, *Were Brains now cheer'd with such Celestial Fire*', 1684—there is a huge body of ballads and skits of a satirical nature, several of which will be found in *State Poems*, vol. ii., 180-3, etc., and Baldwin's *Collection of Poems, Satyrs, and Songs against Popery and Tyranny in 4 parts* (most of them writ by the late Duke of Buckingham, Mr A. Marvell, Mr John Aylos, and Mr Stephen Colledge, 1690. These were published separately and without printer's name in 1689 (besides *A Collection of Poems on Affairs of State*, by A. M. L., Esq., and other eminent wits) as *Four Collections of the Newest and Most Ingenious Songs, Catches, etc., against Popery, relating to the Times* (1689), the first part containing (p. 15) *The Observer* or

the History of Hodge as reported by some from his siding with Noll and Scribbling for Rome, beginning

'Stand forth thou grand Imposter of our Time
The Nation's Scandal, punishment, and crime',

and describing his amours (Joanna Brome is in the list) and his treachery under Cromwell. The second Collection, p. 12, has a thing entitled *Enter Oliver's Porter, Fidler (L'Estrange), and Poet in Bedlam (Dryden)*—

'Besides I served him (Cromwell) as a faithful spy
And did deceive the Cavalierish fry'.

See also Tom Browne's (*Works*, v., 118) *Heracitus Ridens Redivivus* or *A Dialogue between Harry and Roger concerning the Times*, 1688. See also a dozen single-sheets, *Towzer's Advice to the Scriblers forbidding (sic) them to come near his kennel* (the verso occupied with Towzer's confession); *Towzer the Second, a Bull-dog, or A Short Reply to Abs. and Achitophel*; and *Towzer Discovered, or A New Ballad on the Dog that writes, Strange-Lee*—all belonging to the period of his exile, 1680-1. In Colledge's *Raree Show, the Catholique Gamesters*, and 'divers of his emblematical pieces', Roger finds a place, while Dr Walter Pope (*Muse's Farewell to Popery and Tyranny*, 1689) wrote some fifteen lines 'On Le Strange' to the tune of *The Old Man's Wish* (reprinted in *Notes and Queries*, 3rd series, v., 462). See also *A Satyrical Poem against those Mercenary Wretches and Troublers of England's Tranquillity, the Author of 'Heracitus' and 'Observer'*, by Philopatris (C. Blount), 1682—a poor performance. Three modern collections of satires—*Roxburghe Ballads*, ed. J. W. Ebsworth (iv., 309, 220-2; v., 221, etc.); *A Catalogue of a Collection of printed Broad-sides*, by R. Lemon (1866), pp. 130-1, 136; and the *British Museum Catalogue of Prints and Drawings*, Division I., *Satires*, pp. 629-631, etc., contain numerous satirical pieces by or on L'Estrange. The Gough Collection at the Bodleian (H. 24) contains several, including (f. 204) L'Estrange's own *Committee or Popery in Masquerade*, 1680, without the poetical *Explanation* which accompanies Harry Brome's Collection of L'Estrange Tracts, 1681, and (f. 206) *L'Estrange's Case Strangely Altered*, 1680-1, with eight *Explanatory Verses*. Besides these we should note two remarkable outbursts of poetic imitations, viz.: the *Absalom and Achitophel* poems, which continued beyond the Revolution, and the *Æsopic skits*, started by L'Estrange's own work on *Æsop*. The imitations of Dryden's great poem are mostly Whig, and are as abusive as dull. L'Estrange generally finds a place in them as Rabsheka (a character given by Dryden or Tate to Sir Thos. Player, Chamberlain of London and Member for the City in the Exclusion Parliaments). The best account of these is given in the ninth volume of Scott's *Dryden* (1808), which (pp. 376-7) contains extracts from Settle's *Absalom Senior or Achitophel Transposed* and Pordage's *Azariah and Hushai* (pp. 372-3), with excellent notes on their authors. There was also a *Uzziah and Jotham* (1690), the work of Blount or Phillips, and the dullest of them all. The *Æsopic Verses* are too numerous to mention here. They are to be found in pamphlet collections of date 1694-1711. Some, as *Æsop at Whitehall*, have no reference to L'Estrange, some, as *Æsop at Tunbridge Wells*, are merely indecent, others are of some slight biographic value.

II. CONTEMPORARY SOURCES OF A MORE PARTICULAR CHARACTER.

Clarendon (*Hist. of Rebellion*, iv., 333-6). Burnet (*Own Times*, Airy's ed., 1900, ii., 221). Baxter (*Reliquiæ Baxterianæ*, Sylvester, 1696, iii., 187). Winstanley (*Lives of Eminent Poets*, 1687, p. 219). Coke (*Detection*, 1719, pp. 239 and 247). Boyer (*Annals*, iii., 242; and *Life of Queen Anne*, 1722, p. 38). Dunton (*Life and Errors*, 1818, pp. 218 and 265-6) provides us with brief biographical notices, which are supplemented by the diarists. Evelyn (*Memoirs*, Bray's ed., 1827, i. 298, 468, 59). Pepys (H. B. Wheatley, 1899, iii., 269*n*; iv., 308; iii., 269; vi., 355*n*; iv., 445; vi., 159). Sir John Bramston (*Autobiog.* Cam. Soc., 1845, p. 300). *Memoirs of Lady Fanshawe*, 1907, with some colourless notices in Cartwright's *Diary* (Cam. Soc., 1843, pp. 4, 5, 45, etc.). Besides these we have some valuable notices in Wood's *Life and Times* (Clarke, ii., 235, 458, 484; iii., 83, 331; with a good character at iii., 26). The best source of this kind both for the life and the history of the Press is, however, the *Brief Historical Relation of Narcissus Luttrell*, Oxford, 1857 (i., 39, 57, 93, 178, 198, 252, etc.; ii., 189, 217, 414). In addition see Ward's *Diary*, p. 94; *The Life of the Hon. Roger North* (ed. Jessopp, 1890, iii., 80*n*.); *The Memoirs of Thos., Second Earl of Ailesbury* (ed. Buckley for Roxburghe Club, i., 6 and ii., 144); Fountainhall's *Hist. Observes* (Rox. Club, 1840, pp. 32, 102) and *Hist. Notices*, 1848, p. 744; Wodrow's *Hist. of the Sufferings*, p. 371.

For contemporary reference to particular events not mentioned in the above notices:—

1. The Siege of Lynn and L'Estrange's attempt on it, December 1644—*Mercurius Aulicus* (1642-3, pp. 476, 488, 514), *Vicars (God in the Mount*, p. 413, and *Burning Bush Not Consumed*, p. 78); Rushworth (*Collections*, 1692, iv., 804-8); Husband (*Hist. Coll.*, v., 283); Whitlocke (*Memorials*, 1682, pp. 114, 116, 117); *Commons' Journals*, iv., 34; *Lords' Journals*, vii., 119*a*, 506-7, 906-7, etc.); *Hist. MSS.*, Com. 7th App. to 11th Rept., pp. 103-4, *Reports, Commissioners*, 34, p. 182; *Observer*, June 1684, ii., 80; *Humble Apology to Clarendon*, 1661; *Truth and Loyalty*, 1662, etc.

2. Kentish Rising, May to June, 1648—the various pamphlets noted in the Text; L'Estrange's *Vindication to Kent*, 1649, partly reprinted in *Truth and Loyalty*; Clarendon (*Hist. of Rebellion*, iv., 333-6); Whitlocke (*Memorials*, pp. 303-6); *Newsletters in the Clarendon State Papers*, Nos. 2790-2804; *Memoirs of the Life of Col. Hutchinson*, (ed. Firth, 1885, ii., 146). Although not contemporary, it may be well to refer here to Mr H. E. Malden's correction of Gardiner's account of the fight at Maidstone (*Hist.*, xiii., 381-90) and Gardiner's acknowledgment (*Eng. Hist. Rev.*, vii., 533 and 536).

3. For the Interregnum Struggle, 1659-60—*L'Estrange, his Apology*, 1660; *Truth and Loyalty*, 1662; *Memento*, 1662, p. 40; *Appeal in the Case of the late King's Party*, 1659; *Discovery upon Discovery*, 1680, pp. 13-15; *Censure of the Rota Club* (*Har. Misc.*, iii., 188); Evelyn's *Apology for the Royal Party*, 1659; *Memoirs of the Verney Family*, ii., 450-1; Bramston (*Autobiog.*, 177); Lesley (*View of Times*, 1708, No. 36); *The Parliamentary Intelligence* and *Mercurius Politicus* for December to March 1659-60; Various pamphlets in the Thomason Collection noted in the Text; Somer's *Tracts*, vi., 533, 560.

4. For the period of the Surveyorship, 1662-1679, chiefly the *Kingdom's Intelligence* (Newsbook, August 1663 to January 1666), thereafter the *London Gazette* (from October 1665), chiefly useful for proclamations and notices of libels (Nos. 1059, 1446, 1468-9, 1442, 1502, etc.); *State Trials*, vi., 514 (Trial of John Twyn), 702 (Trial of Ben. Keach), 807 (Examinations concerning the Firing of London, 1666), 1190 (Proceedings against Fr. Jenks), vii., 591 (Trial of Sir G. Wakeman), 926-1111 (Trials of Harris, Smith, Curtis, Care). *Calendar of State Papers*. *Lords' Journals*, xi., 79, xii., 13, 17, 33, 729b, 56-64; *Commons' Journals*, ix., 378; Scobel (*Acts and Ordinances*, i., 44, 134, ii., 88, 290); Lemon, *Catalogue of a Collection of Broad-sides*, pp. 130-1; *Hist. MSS.*, Com. App. to 9th Rept., pt. ii., pp. 66a and 69a-78b; 10th Rept., pp. 128-30; 4th Rept., pp. 234-6; 7th Rept., p. 512a; 2nd Rept., pt. ii., p. 76b, etc.; Arber, *Term Catalogues*; Cobbet's *Parl. Hist.*, iv., 810, 837-9, 1174 and App. vi. and vii., xvi., 1264-6, 1276-8, 1314; *Shaftesbury Papers*, 33rd Rept. of Deputy Keeper, pp. 243-251; Clarendon (*Continuation of Life*, iii., 475, 676, and 814-16), besides the various pamphlets and libels mentioned above; Crofton, *Defence against the Fear of Death*, 1665, Baxter (*Relig. Bact.*, ii., 380, iii., 2); *Third Defence of the Cause of Peace*, 1681; *A Specimen of the Present Mode of Controversy in Reply to L'Estrange*, 1682; Bohun (*Address to the Freeholders*, pt. i., 1681; Epistle Dedic. to Third Part, 1682, etc.).

5. For the period of the Whig Debacle and beyond the Revolution, the same general authorities, with the great additional source of the *Observers* and the newspaper literature mentioned above. The *Calendar of State Papers*, 1689-90 and 1690-1. *State Trials*, viii., 550 (Trial of Colledge); 1350 (Trial of Nat Thompson, Paine, and Farwell); the Rye House Plot Informations in same vol.; ix., 951 (Report of the Examinations of the 'Murder' Committee); x., Trial of Oates, pp. 1079 and 1227; of Roswell, 147, vol. xi.; Trial of Baxter, 494 (and 3 *Modern Reports*, 68); xii., Informations in connection with the Fenwick Conspiracy, 1695-6, p. 1302. The proceedings against Scroggs and the Judges, December 1680, are contained in *State Trials*, viii., 163, and also in Baldwin's *Collection of State Tracts privately Printed in the Reign of Charles II.*, 1693. Somer's *Tracts*, viii., 320 (Acquittal of Shaftesbury), 327 (The Addresses Importing an Abhorrence of an Association), ix., 315 (A Short Prefatory Life of Ferguson), 174-8 (Burnet's *Apology for the Church of England*, 1689), p. 339; *Memoirs of Titus Oates*, p. 38; L'Estrange's *Reply to the Reasons of the Oxford Clergy against Addressing*, with Scott's Notes; Wood (*Life and Times*, iii., 83, 331); *House of Lord's MSS.*, Rept. iii., new series, p. 271; Halifax's *Character of a Trimmer*, *Anatomy of an Equivalent*, and *Letter to a Dissenter*, with Replies by Care (*Lex Draconica*, 1687) *Parliamentum Pacificum* (anon.), and L'Estrange's Reply; Sprat (*History of the Conspiracy*, 1685, appendix, pp. 137-40); *Secret Services of Charles II. and Jas. II.* (Cam. Soc., p. 206); Burnet (Airy's ed., ii., 221, 379); *Lords' Journals*, xiii., 729b, etc.; *Hist. MSS.*, Com.; *Hunstanton Papers*, App. vii. to 11th Rept., pp. 93, 118; *MSS. of Borough of Kings Lynn, Reports, Commissioners*, xxxiv., 182.

Later Authorities.

The eighteenth century and later historians. As there was no period when historians were more blamed for giving themselves up to the spirit of faction than the first half of the eighteenth century, we must receive the verdicts of the 'Burnets, Oldmixons, and Cooks' with some reserve. In the case of L'Estrange especially they provide distinctly partisan accounts. On the one side Kennet (*Register and Chronicle*, 1708, i., 550, 574-5, 609, etc.) quotes at length his diatribes against the Presbyterians with obvious relish, though he is far outdone in this enthusiasm by Eachard (*Hist. of Eng.*, 1720, pp. 793-4, 1009, etc.); North (*Examen*, pp. 271, 260, 208, 185) is of course frankly appreciative. On the other side the violence of Ralph (*Hist. of Eng.*, i., 627, 757, etc.) is condoned by his excellent notices on the Restraint of the Press (i., 32-3, 62, 981). Oldmixon (*Hist. of the Stuarts*, 2 vols., 1730, i. 486, 491, etc.) is to be set against Eachard, whose praise of L'Estrange's style as well as actions raises one of the countless angry wrangles between those writers. Burnet (*Own Times*, ii., 221-2) was, we saw, rather moderate in his condemnation. In the latter half of the eighteenth century L'Estrange was forgotten by the historians, while he was relegated to the brief notices of biographical dictionaries. Hume does not mention him, though he has a paragraph on the Freedom of the Press in 1679 (*Hist. of Eng.*, viii., 312-13). Neither Fox (Introduction to *Hist. of Jas. II.*), Rose in his *Observations* thereon, nor Mackintosh in his *Continuation* of Fox, name him at all. In the nineteenth century Hallam (*Const. Hist.*, 1879, p. 506*n*) rescued him at least from oblivion (as a political force), and Macaulay (*Hist.*, 1855, iv., 348-50) completed the notorious picture of L'Estrange *Redivivus* from the canvas of Oldmixon and Ralph. Lingard in his treatment of the Plot (*Hist. of Eng.*, 1854, ix., 170-8) makes frequent reference to L'Estrange's *Brief History of the Times*, and uses the *Observer*. Amos (*The Eng. Constitution in the reign of Ch. II.*, 1857) has considerable reference to his work in the Press. Sir T. Erskine May's *Const. Hist. of Eng.*, 1871, has a great deal on his baneful rule of the Press (*Press under Censorship*, ii., 239-46). Carlyle (*Letters and Speeches of Cromwell*, 1850, i., 227) makes a passing notice of his restless and romantic career, neither friendly nor unfriendly. Ranke (*Hist. of Eng.*, iv., 267) merely refers to the importance of his *Observer Defended*, 1685, as evidence of the change in the position of the Church. Gardiner (*Hist.*, xiii., 381-90) relegates L'Estrange to an unimportant part in the Kentish Rising of 1648. On the other hand, he was never quite lost sight of in new editions which revived the perennial dispute between Cavalier and Roundhead in private memoirs, bibliographical dictionaries, and catalogues of writers, nor at all in Literary History on account of his translations. In Butler's *Posthumous Works*, for example, published 1715, we find his *Key to Hudibras*, with several notes, introducing his name, while in Zachary Grey's edition of 1744, he is frequently quoted against the Commonwealthmen (*see* i. 395). Neale's *Hist. of the Puritans* (ed. 1822, iv., 434-5), on the other hand, gives a bitter character, corroborated, of course, with a saving admission of humour and spirit however, in Orme's *Life and Times of Baxter* (ed. 1830, ii., 279-80, 464-5). The eighteenth and early nineteenth centuries' formal lives in dictionaries and elsewhere are moderate in their censure as they

proceed farther away from their object — see the old *Biographical Dictionary*, vi., 317; the Life given by Nicols (*Lit. Anec.*, iv., 55); the severe account by D'Israeli (*Amenities of Lit.*, 1844, p. 406, and *Curiosities of Lit.*, 1882, p. 57), by Cibber (*Lives of Eminent Writers*, 1753, iv., 295), Granger (*Biog. Hist. of Eng.*, 1804, iv., 69-70); Chalmers' equally severe biography (*General Biog. Dict.*, 1815, xx., 205-11); and the later accounts in the *Dictionary of Universal Biography* (xiii., 189); and the *Catalogue of the Hope Collection of Newspapers at the Bodleian*, 1865, pp. 6-7. Sir Sidney Lee's Life in the *Dict. of Nat. Biog.* is of course the first attempt of modern research to sum up his activities. On the whole, it is both exhaustive and accurate. The earlier accounts are severe or appreciative according to the writer's politics. These later ones admit the virtue of consistency and even (in Sir Sidney Lee's) some disinterestedness. With the exception of the last named, they all suffer from being mere copies from their predecessors—the inevitable fault of such compilations.

Of later years, while the general historian lost sight of him, the revived interest in the Popish Plot crisis and in the history of the Press has brought him into some prominence. In the former connection see Sitwell (*First Whig*, p. 14, etc.); Ebsworth's remarks (*Roxburghe Ballads*, iv., 220-2, 309, etc.); a brief life in the *Brit. Mus. Cat. of Prints and Drawings*, Division I., *Satires*, pp. 629-31; Mr Alfred Marks' *Who Killed Godfrey?* 1905, pp. 72-5; Pollock's *Popish Plot*, 1903; Gerard's *The Popish Plot and its Newest Historian*, 1903; Andrew Lang's *The Mystery of Sir Edmundbury Godfrey* (*Historical Mysteries*, 1904). Sitwell and Ebsworth are sympathetic as Tories, Messrs Marks and Gerard as Catholics—all four are a useful corrective to the long sway of the Whig view. The former (Mr Marks) discovered in L'Estrange the chief Protagonist on the anti-Plot side, and naturally treats him with great deference.

In the history of the Press L'Estrange has, of course, figured largely. In his own day, as we saw, he was praised by a few interested persons and attacked by all the more liberal writers. The eighteenth century was peculiarly alive to the importance of the *Imprimatur* for the reason Dunton gives for describing the Licensers so fully (and deferentially), viz.: that no man could tell when their services might be again requisitioned. The *Life and Errors* of the latter, first published 1705, is a priceless review of all the characters in the Press (treats of L'Estrange and the Licensers, ed. 1818, pp. 264-6); Defoe (*Life and Works*, by Walter Wilson, 1830) is of great value on account of the long extracts from his writings, and especially in reference to the Press, ii., 171, iii., 84—Defoe's Essay upon the Regulation of the Press; Lee's *Life and Times of Defoe*, 1868, is richer in the period after Anne, when his author is more conservative in the matter of the Press. See also Swift (*On the Liberty of the Press*, Scott's ed., 1808, vi., 165-9); Addison (*Spectator*, Nos. 445, 582, with Prof. H. Morley's excellent remarks on the Press, pp. 636-7 and 825); Johnson, *Prose Works*, 1848, ii., 259; *The Gentleman's Magazine* (D'Anvers' articles on the Liberty of the Press, 1738-45, vols. viii.-xvi.); Toland's *Milton's Prose Works*, 1698, p. 43; Thomson's (the Poet's) ed. of *Areopagitica*, with Preface, 1738. Most reprints of this famous tract have been accompanied by valuable notes on the subject, especially those of Holt White, 1819 (which included Tindall's tract against Pulteney's Press Bill, 1698, pp. 202 and lvii., and

Mirabeau's digest of Milton, *Sur La Liberté de la Presse*); Arber (*Eng. Reprints*, 1868, valuable for the Press documents printed with it); and J. W. Hales, 1874 (p. xxxviii.). Masson has much excellent matter on the same subject (*Life of Milton*, iii., 446-50, etc.), and, indeed, with the possible exception of D'Israeli (*Curiosities of Lit.*, ed. 1882, p. 250, 'On the Licensers of the Press'; and *Amenities of Lit.*, 1884, p. 405, 'The War against Books'; *Calamities and Quarrels of Authors*, 1882, pp. 16, 396, etc.), gives a more intimate account of the Commonwealth and Restoration Press than any other author since Nichols (*Literary Anecdotes of the Eighteenth Century*, iv., 33, 'Of Public News and Weekly Papers'). Of more Legal Works, *Parl. Hist.*, xvi., 1264-1314, gives the memorable debate in the House of Lords of 6th December 1770 on the question of Libel and the General Search Warrant; *Modern Reports*, i., 256-7; Viner's *Abridgement*, 1742, xvii., 208-10, discusses the abuses of monopolies. See also Sir Jas. Burrow's *Report on the Question concerning Literary Property*, 1773, and P. C. Webb's *Copies taken from the Records of the Court of King's Bench, etc., of Warrants issued by the Secretaries of State . . . for seizing authors, printers, etc., of Libels*, 1763. The legal and constitutional issues raised by these eighteenth-century works re-appear in the work of Hallam (*Introduction to the Lit. of Europe*, 1882, pp. 613, 719); Buckle (*Hist. of Civilisation*, ii., 225); Macaulay, whose nineteenth and twenty-first chapters of his *Hist. of Eng.* attempt to atone for the neglect of the question of the Press Laws in William III.'s reign by other authors; Amos (*Cons. Hist. of Ch. II.*, viii., 238) devotes an excellent chapter to the Press; so Erskine May (*Cons. Hist. of Eng.*, 1871, ii., 239-46, on Censorships, and ii., 318-58 on the Press Statutes). On the more technical side see Birrell (Augustine, *Seven Lectures on the Law and History of Copyright in Books*, 1899). *The Autobiography of Ed. Bohun*, by S. Wilton Rix, 1853, has some valuable Press information (pp. 94-8, a List of Licensing enactments); Bigmore & Wyman's *Bib. of Printing*, 1884, pt. ii., pp. 118-48, contains an excellent list, entitled *Parliamentary Papers*; Tymperley (*Hist. of Printing*); Lowndes's *Bibliographer's Manual of English Lit.*, 1864, iii., 1347, has some notice of L'Estrange (*The Brief Hist. of Times*, 1687, and his translations), with prices annexed; Hazlitt's *Bib. Collections and Notes*, 2nd series, p. 343, gives an accurate description of some twenty-five of his works, but erroneously includes *No Protestant Plot*.

Of later works dealing more particularly with the trade and history of journalism, viz. :—

The Fourth Estate (by F. K. Hunt, 1850); *The Hist. of Brit. Journalism to 1855* (by Alex. Andrews, 1859); *English Newspapers* (by H. R. Fox Bourne, 1887), it may be said that they are all unsatisfactory on the seventeenth century; perhaps Fox Bourne's (see also his *Life of Locke*, 1876, ii., 312) least so, but his inaccuracies have been pointed out by the latest historian of English Journalism, Mr J. B. Williams, whose *Hist. of Eng. Journalism in the Seventeenth Century* is much more informative and accurate than the others. His article on *News-books and Letters of News of the Restoration*, in the *English Historical Review* for April 1908, has been of great service to the present writer. See also an article, *The Growth of the Freedom of the Press*, by D. M. Ford (*Eng. Hist. Rev.*, iv., 1), and Introduction to the *Cal. of State Papers*, 1665-6. For the *Times* Printing Supplement of 10th September 1912, see Appendix III.

Only an occasional hint or fact has been gleaned from the *History of Bookselling*, by H. Curwen, 1873; Wm. Roberts' *Earlier Hist. of English Bookselling*, 1892; and Charles Knight's *The Old Booksellers* (vol. v. of his London series). More has been taken from a series of articles in *Notes and Queries*, 5th series, viii., 461, and 6th series, vii., 461; 8th series, vi., 363, etc. Vol. vi., p. 69, of the 2nd series contains also an article on *The Three Patriarchs of Newspapers*, borrowed largely from D'Israeli.

Perhaps the greatest source of all is found in the labours of Professor Arber—his *Term Catalogues* (1668-1709), 3 vols., 1903-6, with Introduction; the documents printed in his *Stationers' Registers*, especially vol. iii., and vol. v., *Introduction*, with Mr C. R. Rivington's *Account of the Worshipful Company of Stationers*, 1903, and his *Records of the Stationers Company*, 1893, printed in *The Term Catalogues*, vol. v., p. xxxix., and the *Star Chamber and other Decrees and Acts*, printed in his edition of *Areopagitica* (*English Reprints*, 1868).

Of foreign authors who have touched on the English Press, Beljame (*Le Public et les Hommes de lettres en Angleterre*, 1874) describes with a lighter hand than Masson the activities of the Restoration Press, while Hilger (*Index der Verbotenen Bücher*, 1904, pp. 206-221) draws a too severe picture of the Licensing Laws, especially in his reference to L'Estrange (p. 211).

The *Index Expurgatorius Anglicanus* of W. H. Hart, 1872-8 (unfinished, and ending abruptly in 1684), supplied something; but the work is meagre and defective, and awaits some more laborious author.

Authorities and sources for the literary side of L'Estrange's career are *The Prose Works of Dryden* (Malone's ed., 1800, Scott, 1808-9) viz.: his Preface to Ovid's *Epistles*, *Life of Lucian*, and *Discourse on Epick Poetry*; Aphra Behn—*Love Letters between a Nobleman and his Sister*, 1693, and *Essay on Translated Prose* (prefixed to her version of Fontenelle's *Theory of New Worlds Inhabited*, 1692); Sir Edward Sherburne's Preface to his *Translation of three of Seneca's Tragedies*, 1702; Tom Browne's *Life of Erasmus*, prefixed to his *Seven Additional Colloquies*, 1699, and *Letters from the Living to the Dead*, 1702; Phillips' translation of Don Quixote, 1687; Jas. Price's version of Bona's *Guide to Eternity*, 1673; Jas. Mabbe's *Exemplarie Novels*, 1640, and the French versions of F. de Rosset and the Sieur D'Audiguier in the same year; Baudoin's *Esop*, eds. 1631, 1660, 1669; Locke's interlineary (Latin and English) version of *Fables*, 1704; Edmund Arwaker's collection of 225 *Fables*, 1700; The Introduction to E. Stacey's *Poetical Version of some of L'Estrange's Fables*, 1717; Robinson Ellis, *Fables of Arianus*, Oxford, 1887; De la Crosse, *Works of the Learned* (January 1691-2, p. 23, and 1692, p. 213); *Notes and Queries*, 2nd Series, iii., 281; Pope's Prologue to *Cato*, 1713; Bentley's *Epistle to Boyle*, 1697 (?), p. 87; Dunton's *Post-Angel*, November 1701, pp. 287-8, and March 1702, pp. 180, *Life and Errors* (ed. 1818, p. 266); Motteaux's *Gentleman's Journal*, ii., 58, 312, February and September 1693 and p. 27, January 1694. Addison's *Spectator*, No. 135; Boyer, *Life and Reign of Queen Anne*, 1722, p. 38, and his translation of Bona's *Essay upon Moral Friendship*, 1701; Winstanley, *Lives of the Eminent Poets*, 1687, p. 219; Felton, *Dissertation upon Reading the Classics*, 1713; 'Tacitus', Gordon's Preface to his version of Tacitus, 1728; Arnold's *Six Chief Lives* (from Johnson's *Lives of the Poets*), Preface pp. xx.-xxii.; Johnson, *Literary Magazine*, 1758,

p. 197 ; Hallam, *Introduction to the Lit. of Europe*, ed. 1863, p. 790 ; J. J. Jusserand's Preface to Tom Browne's translation of Scarron, 2 vols., 1892 ; Bellanger (Justin) *Histoire de la Traduction en France*, pp. 29 and 45 ; Godwin, *Lives of Edward and John Phillips*, 1815 ; art. by H. C. Lea (*Eng. Hist. Rev.*, iv., 783) on Reusch's *Index der Verbotenen Bücher*, 1883-5.

Ticknor, *History of Spanish Literature*, 1849 ; Cibber, *Lives*, 1753, iv., 301 ; T. L. Oliphant, *Standard English*, p. 312 ; Blair, *Lectures on Rhetoric*, ed. by Dale, pp. 262, 272, etc. ; Earle, *English Prose*, 1890, p. 453 ; Preface to J. W. Stanbridge's *Library of Devotion* ; edition of L'Estrange's *Guide to Eternity*, 1900 ; and Kenneth Graham's *One Hundred Fables of Æsop*, pub. by John Lane, 1899.

III. MANUSCRIPT SOURCES

(1) *Record Office*. A chief source has been the uncalendared documents in the Record Office for the years 1677-1685, and those papers which were insufficiently described in the Calendar.

(2) *Brit. Museum*.—*Sloane MSS.*, 4222, p. 14.

**Stowe MSS.*, f. 82, 1-2.

Add. MSS., 28618, 28053, f. 109, 27, 448, ff. 296, and 306, 28237†, f. 1-15 ; 36988 f. 277, 36988, f. 168 and 166.

Barrington MSS. (*Egerton* 2647 f. 138).

**Stowe MSS.*, vol. 82, is the printed copy of Borlase's *Hist. of the Execrable Irish Rebellion*, with L'Estrange's eradications and interpolations, preceded (pp. 1 and 2) by a letter to Borlase ; and (f. 3) some anon. remarks on the publication and L'Estrange's Licensing of the book. †Letters belonging to the Caryll family, the volume presented by Sir Chas. Dilke.

(3) *Bodleian Library*, *Ballard MSS.*, ix., 12 ; xi. 15, 54, 79 ; xiii., 54 ; xxxii., 52 ; xix., 18, 30. Some *Newsletters* in the *Clarendon State Papers*, Nos. 2790-2804.

Tanner and Rawlinson MSS., various papers mentioned in the Text.

Some MSS. Notes in books by Wood, Oldys, and anonymous persons.

APPENDIX III

THE *TIMES* PRINTING SUPPLEMENT, 10TH SEPTEMBER 1912.

ONE had scarcely needed to refer to this handsome supplement in this connection, but for the important place given to L'Estrange in the history of early journalism. Indeed the writer of the article on the Press has taken L'Estrange's career as a framework for his account. With that account itself we have no quarrel. Indeed it is, considering the limited space at the writer's command, quite the most orderly treatment of an obscure matter which has yet appeared. It devotes substantial space to the *Newsletter*, and endorses the claim for it already made by Mr J. B. Williams, that down to the Revolution it not only competed with the printed *Newsbook*, but in some manner at intervals actually ousted it. Whether, however, the *Newsbook* was ever or for any long period intended to be ancillary to the *Newsletter* is extremely doubtful. A very able account of newspapers in Scotland and in Ireland concludes a notable contribution to the subject of early British newspapers. No pretence, of course, is made of exhaustive treatment, but for general accuracy and co-ordination of the parts of the story it would be difficult to point to a better treatment. The chief novelty in the treatment is the close following of political crises, always symptomatic of movements in the Press. Previous accounts had given lists of rival papers with but little explanation of their appearance. But here we have given the political weather-chart of journalism, the Oates' papers after the discovery of the 'Plot', the Tory rejoinders, the first Whig outburst at the Revolution, and so on.

A biographer of L'Estrange will not complain of disproportionately large treatment given to his hero. But whilst the intrigue carried on by Sir Joseph Williamson and James Hicke which deprived L'Estrange of the *Newsbook*, is very clearly exposed, it may be asked if the writer were really acquainted with the true nature of the Surveyor, or had only read sufficient to gain a surface, and, at first sight, favourable knowledge of that important person. In all the cases where L'Estrange was engaged, in those where his character might be supposed to suffer most, the writer vigorously upholds his conduct, as being the only treatment possible to the pestilential sects. In other words, he espouses the extreme Tory view. The case of John Twynne might be granted him because of the peculiarly dangerous nature of the document which that unfortunate man was printing when seized by L'Estrange. But nothing can condone his cruelty to the others of the poor printers. This matter has already been referred to in the Introduction. One remark of the *Times* writer, however, must be referred to. It is to the effect that the failure of the Whigs in the spring of 1683 to successfully prosecute the *Observer* was a triumph for free journalism. This—the writer quotes L'Estrange's own defence given in the *Observer*—is of the nature of a perversion of the facts. The prosecution of the *Observer* was dropped by the Whigs, not because of L'Estrange's defence published in the *Observer*, but because the discovery of the Rye House Plot had dashed all their councils and precipitated their doom. Moreover, all the other Whig newspapers had largely, at L'Estrange's instigation, been closed down, and L'Estrange now, by the breakdown of this prosecution, could look round with satisfaction on the wilderness which he had created in the name of peace. His own defence of the *Observer* is trilling. First, he has, by his old patent

of 1663, a monopoly in news. Second, his paper is not a newspaper, it merely conducts a political causerie on current topics, etc. Such a defence was not of itself calculated to discourage his Whiggish prosecutors.

The summing up of the character of L'Estrange is as perverse as anything the new school of Tory Absolutism can show. A portrait which makes L'Estrange a high-minded English gentleman, loyal and sincere and generous, ought not to be ungrateful to his biographer. But truth is perhaps preferable to paradox, and the unfolded story of his public life will not warrant such a reversal of the popular tradition. Of loyalty he was capable even in an extreme degree. Sincerity he certainly can claim. But if generosity means chivalry to the vanquished, or if it is part of a high-minded English gentleman's character not to aggravate suffering or pursue the quarry to the death, he has no title to that fine name.

THE IXTH VOL. OF THE *CAMBRIDGE HISTORY OF ENGLISH LITERATURE*.

The first chapter of the latest volume of the *Cambridge History of English Literature* contains a brief account of L'Estrange's career as a journalist. The writer (Professor Trent of Columbia University, New York) remarks in connection with the *Observer* that 'Defoe who was probably in London during the latter part of the *Observer's* life, may thus early have determined that if ever he should edit a paper of his own, he would avoid the awkward dialogue form and an extravagance that defeated its own ends'. The bibliography appended to Chapter I. contains a list of L'Estrange's works, which is not altogether trustworthy. There is no evidence for L'Estrange's authorship of *Physician Cure Thyself*, and the style not even remotely resembles his. *A Plea for Limited Monarchy*, though ascribed by Oldys, is certainly not his work. *A Letter to Miles Prance* was possibly written by Nat Thompson or Farwell, certainly not by L'Estrange, *The Apostate Protestant*, and *Remarks on the Growth and Progress of Non-Conformity* bear no trace of his manner, and have otherwise nothing to support L'Estrange's authorship. In regard to the Translations, no mention is made of his part with Dryden and Eachard in the *Tacitus*. L'Estrange wrote *Five Love Letters from a Nun to a Cavalier*. The *Five Love Letters written by a Cavalier in Answer*, however, is probably the work of Aphra Behn. In any case it is not L'Estrange's.

In Chapter X. Mr Charles Whibley discusses with his wonted thoroughness the place of L'Estrange among the professors of 'the New Art of Translation'. As to L'Estrange's methods, 'he made him (his author) for the moment a true-born Englishman, speaking the slang of the moment with the proper accent of the cockney . . . and the mere fact that L'Estrange set upon all the works which he Englished this very stamp and pattern of his own time, while it increased their momentary popularity, prevents their general acceptance as classics'. At the same time Mr Whibley has with all competent modern critics succumbed to the fascination of our author's quaint rudeness, and he praises the catholicity displayed in his selection of originals. *The Select Colloquies of Erasmus* he thinks preferable for its 'light touch and merry conceit' to the *Bona*, the *Cicero* and even the *Quevedo*. This last judgment is rather surprising. Finally, 'L'Estrange has many faults, but he never sank to the depth of Brown's ineptitude'. The 'strict economy' of words, even of what was called Billingsgate in his *Æsop*, makes him an artist in the best sense.

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